





INDIANA  
STATE LIBRARY







Digitized by the Internet Archive  
in 2010 with funding from

Institute of Museum and Library Services under the provisions of the Library Services and Technology Act; Lyrasis Members and Sloan Foundation







# JOURNAL

OF THE

# HOUSE OF REPRESENTATIVES

OF

## THE STATE OF INDIANA,

DURING THE

## FIFTY-FIRST SESSION

OF THE

## GENERAL ASSEMBLY,

*COMMENCING THURSDAY, JANUARY 9th, 1879.*

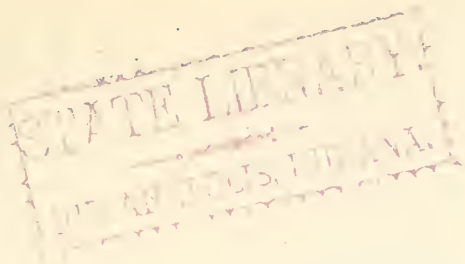
REGULAR SESSION.

INDIANAPOLIS:

INDIANAPOLIS JOURNAL COMPANY, STATE PRINTERS.

1879.

828  
5796



# JOURNAL

OF THE

# HOUSE OF REPRESENTATIVES.

---

THURSDAY MORNING.

JANUARY 9, 1879.

The Fifty-First Regular Session of the General Assembly of the State of Indiana, begun and held at the Marion County Court House, in the city of Indianapolis, on Thursday, the 9th day of January, A. D., 1879, at ten o'clock, A. M., being the day fixed for the meeting of the same.

The House of Representatives being called to order by Hon. John E. Neff, Secretary of State, by authority of an act of the General Assembly.

Prayer was then offered by the Rev. Dr. Sloss.

After which the roll was called, and the following Representatives answered to their names, and were sworn in (except Charles S. Hubbard, of Henry county, who affirmed,) by the Hon. William E. Niblack, one of the Judges of the Supreme Court of the State of Indiana, and took their seats, viz:

- Mr. Alden, from the county of Dearborn.
- Mr. Allen, from the county of Putnam.
- Mr. Arnold, from the counties of Grant and Blackford.
- Mr. Arnold, from the county of Wabash.
- Mr. Baker, from the county of Tippecanoe.
- Mr. Barker, from the county of Pike.
- Mr. Bearss, from the county of Miami.
- Mr. Blockley, from the county of Posey.
- Mr. Briggs, from the county of Sullivan.
- Mr. Brown, from the county of Jasper.
- Mr. Brown, from the county of Steuben.
- Mr. Bryant, from the county of Spencer.
- Mr. Caldwell, from the county of Clinton.
- Mr. Campbell, from the county of Cass.
- Mr. Carey, from the county of Grant.
- Mr. Carter, from the county of Clark.
- Mr. Cauthorn, from the county of Knox.
- Mr. Compton, from the county of Clay.
- Mr. Confer, from the county of Marshall.
- Mr. Connoway, from the counties of Fayette and Union.
- Mr. Connor, from the county of Marion.
- Mr. Copeland, from the counties of Kosciusko and Fulton.
- Mr. Cunningham, from the county of Harrison.
- Mr. Daily, from the counties of Adams and Wells.
- Mr. Dalton, from the county of Lawrence.
- Mr. Davidson, from the county of Gibson.
- Mr. Davis, from the county of Boone.
- Mr. Donnell, from the county of Decatur.
- Mr. Drake, from the county of Ripley.
- Mr. Drover, from the county of Huntington.
- Mr. Edwins, from the county of Madison.
- Mr. English, from the counties of Marion and Shelby.
- Mr. Fancher, from the county of Lake.
- Mr. Faulkner, from the counties of Ripley, Decatur and Rush.
- Mr. Flodder, from the county of Franklin.
- Mr. Galbraith, from the counties of Brown and Bartholomew.
- Mr. Garrouette, from the counties of Marshall and St. Joseph.
- Mr. Ginz, from the county of St. Joseph.
- Mr. Golden, from the county of Jefferson.
- Mr. Gordon, from the county of Marion.
- Mr. Handy, from the county of Hancock.



Mr. Harland, from the county of Wayne.  
 Mr. Hart, from the counties of Martin and Dubois.  
 Mr. Herod, from the county of Marion.  
 Mr. Hess, from the county of Wabash.  
 Mr. Hopkins, from the county of Vanderburg.  
 Mr. Hosmer, from the county of Laporte.  
 Mr. Hubbard, from the county of Henry.  
 Mr. Humphreys, from the county of Green.  
 Mr. Huthsteiner, from the county of Perry.  
 Mr. Johnson, from the counties of Parke and Montgomery.  
 Mr. Kelly, from the county of Parke.  
 Mr. Kester, from the county of Vigo.  
 Mr. Kirkpatrick, from the county of Howard.  
 Mr. Lehman, from the county of Johnson.  
 Mr. Lindley, from the county of Hamilton.  
 Mr. Major, from the county of Morgan.  
 Mr. March, from the county of Delaware.  
 Mr. Messick, from the county of Vanderburg.  
 Mr. Miers, from the county of Monroe.  
 Mr. Mitchell, from the county of Washington.  
 Mr. Nave, from the county of Fountain.  
 Mr. Osborn, from the counties of Elkhart and Noble.  
 Mr. Osborn, from the county of Vermillion.  
 Mr. Overmyer, from the county of Jennings.  
 Mr. Owen, from the county of Warren.  
 Mr. Perry, from the counties of Fulton, Pulaski and Starke.  
 Mr. Reed, from the counties of Miami and Howard.  
 Mr. Reichelderfer, from the county of Allen.  
 Mr. Robeson, from the county of Tippecanoe.  
 Mr. Rodmān, from the counties of Benton and Newton.  
 Mr. Robinson, from the county of Marion.  
 Mr. Rooker, from the counties of Hamilton and Tipton.  
 Mr. Saint, from the counties of Henry and Madison.  
 Mr. Scholl, from the county of Carroll.  
 Mr. Schwitzer, from the county of Owen.  
 Mr. Shanks, from the counties of Jay and Delaware.  
 Mr. Shauck, from the county of Noble.  
 Mr. Shields, from the county of Jackson.  
 Mr. Shutt, from the county of Dekalb.  
 Mr. Skinner, from the county of Porter.  
 Mr. Sleeth, from the county of Rush.

Mr. Snoddy, from the county of Hendricks.  
 Mr. Stevens, from the county of Elkhart.  
 Mr. Stucker, from the counties of Crawford and Orange.  
 Mr. Taylor, from the county of Daviess.  
 Mr. Taylor, from the county of Lagrange.  
 Mr. Taylor, from the county of Warrick.  
 Mr. Thayer, from the county of Kosciusko.  
 Mr. Thompson, from the county of Montgomery.  
 Mr. Thornburg, from the county of Wayne.  
 Mr. Tulley, from the county of Whitley.  
 Mr. Vanpelt, from the county of Shelby.  
 Mr. Van Valzah, from the county of Vigo.  
 Mr. Vawter, from the counties of Scott, Jennings and Jefferson.  
 Mr. Watson, from the county of Randolph.  
 Mr. Willard, from the county of Floyd.  
 Mr. Wimmer, from the counties of Putnam and Hendricks.  
 Mr. Works, from the counties of Ohio and Switzerland.

The question being upon the election of a Speaker, Mr. Willard, of Floyd county, put in nomination Henry S. Cauthorn, of Knox county.

Mr. Herod, of Marion county, put in nomination John Overmyer, of Jennings county.

Mr. Carter, of Clark county, put in nomination John D. Works, of Ohio and Switzerland counties.

Those who voted for Henry S. Cauthorn were: Messrs. Alden, Allen, Barker of Pike, Baker of Tippecanoe, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Daily, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schwitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tully, Vanpelt, Van Valsah, Willard, Wimmer and Works—55.

Those who voted for Mr. Overmyer were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connoway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kester, Kirkpatrick, Lindley, March, Messick, Owen, Reid, Robeson, Rodman,

Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of La-grange, Thayer, Thornburg, Vawter and Watson—38.

Those who voted for Mr. Works were: Messrs. Carter, Johnson, Major and Osborn of Vermillion—4.

The Hon. Henry S. Cauthorn, having received a majority of all the votes cast, was declared duly elected Speaker of the House of Representatives for and during the present session.

Hon. John Overmyer, of Jennings, and Hon. J. D. Works, the committee appointed by the Hon. John E. Neff, Secretary of State, to escort Mr. Cauthorn to the chair, attended him to the Speaker's stand, where, after having duly taken his oath of office, he took the chair as Speaker.

Mr. Cauthorn then addressed the House as follows:

*Gentlemen of the House of Representatives:*

I return you my heartfelt thanks for the distinguished honor you have conferred upon me in electing me to the honorable and responsible position of presiding over your deliberations during the present session. At the very threshold of entering upon the official duties thus confided to me I promise you that no effort shall be spared on my part to discharge them in a manner alike satisfactory to you and honorable to myself. I shall summon to my aid all that there is in me of ability, energy and untiring devotion.

It was the remark of a Roman consul, in an early period of that celebrated republic, that a most striking difference was observed in the contrast of candidates for offices of power and trust *before* and *after* obtaining them. But I promise you that it shall be my constant endeavor to so conduct myself whilst I occupy the chair and hold the symbol of official authority in this House as to fulfill the just expectations you entertained in thus honoring me, or which I may have held out as inducements to determine your action. Standing, as I now do, in the presence and hearing of the electors, whose generous suffrages have placed me in this position, I can, without fear and consistently with truth, look them in the face and declare, without a blush, that I have resorted to no methods to secure it inconsistent with honor and integrity. In an effort to gratify an ambition flattering to the mind of every man above a groveling disposition, I have said or done nothing which I now have any just cause to regret, which I would be prompted by any worthy motive



to conceal, or which is in the least inconsistent with the most strict and rigid rules of honorable and fair dealing.

I freely confess to you that it is with fear and trembling that I approach the discharge of the duties devolved upon me as your presiding officer. I feel this moment in my heart that I am wanting in the necessary elements to enable me to discharge them properly and efficiently. I can only assure you, gentlemen, that I shall do my best to please you and discharge my duty, and shall rely in a great measure upon your generous forbearance, and respectfully request your co-operation and advice in enabling me to forward and execute your will and pleasure. I am conscious, and not backward in confessing, that there are upon the floor of this House those whose knowledge and experience are far superior to any acquirements of my own, whose advice is confidently expected and will always be heeded. I flatter myself that I am not among the number of those who lay claim to perfection, or object to proper criticism; but, on the contrary, ever hold myself open to correction, and covet it when administered in a proper spirit.

I wish you, gentlemen, to distinctly understand, that I do not imagine or claim that I am the master of this House, but freely acknowledge I am only its servant. To use the language of Mr. Lenthall, a former Speaker of the House of Commons, "I have neither eyes to see, nor tongue to speak in this place but as the House is pleased to direct me, whose servant I am here."

I desire to say further, in this connection, that upon taking this chair and assuming the duties of the presiding officer of the House of Representatives, I lay aside all partisan feeling, and shall only be guided and controlled by the rules and usages of parliamentary law as I understand them. I now claim to be and shall endeavor to act as the Speaker of the House of Representatives, and not of any particular part or parcel thereof. It will be my duty and pleasure to give all the members of this House an impartial and attentive hearing. I shall make it my special duty to observe attentively all the proceedings that transpire in this hall, and shall endeavor to hear every word that is uttered by any member on this floor, for the purpose of maintaining and preserving order and decorum and of promptly checking in its incipency any infraction of them.

In the eye of the law every member of this House is the peer of his fellow, and all stand on a perfect level and equality. Whatever difference may exist in the acquirements, knowledge, natural gifts or social standing of one member as compared with another, as the



representatives of free and equal constituencies you all are entitled to the same privileges and are equal the one with the other. I am aware that in this Assembly to-day there are many members who come here for the first time to perform the highest and most honorable civil duty, that of representing a free and enlightened constituency, and who may on that account be restrained by a natural diffidence to enter upon the discharge of new and untried performances. But I desire to say to all such that it will be my especial care and effort to deal with you in such a manner as to inspire confidence and give courage and self-possession; and to lay the foundation for this treatment I desire to assure you that you can not, on your part, in any duty you will have to perform, suffer greater embarrassment than your humble servant now feels in entering upon the discharge of his own.

I also desire to have it understood that in the appointment of all committees of the House it will be my aim and purpose to so frame them as to make them efficient, and the work to be accomplished by them pleasant and agreeable to the members composing them, being conscious the same will be properly performed and discharged only when it conforms to their wishes and tastes. In the committee room all the work of legislation is planned and carved out, and the success of the session will depend in a great measure upon their being constituted to the satisfaction of their members. I shall endeavor to form these committees of members conversant and friendly to the different subjects with which they shall have to deal. In order to do this I shall expect the co-operation and advice of the members of this House. All parties represented on the floor shall have a full and fair representation according to their strength, and I now here publicly request information from all such sources as to their wants and desires in the premises.

We are, gentlemen, gathered together from all parts of the State, and for the most part we come together as strangers to each other. But it is my desire and I hope I shall have the pleasure of forming the personal acquaintance of every member of the House. I hope that every member will feel disposed to reciprocate my feeling in this regard, and will have no hesitancy in approaching me for this purpose. I may to some appear reserved, but I assure you, gentlemen, it arises from a natural diffidence which clings to me notwithstanding the fact, from professional and official employments, I have had frequent occasion to appear on public occasions.

We have met, gentlemen, to discharge a sacred trust reposed in us by our constituents, and it behooves us on every principle that can stimulate human action to do all in our power to discharge it in a proper manner. You represent a civilized, energetic and progressive population, rapidly advancing in all the avenues of material wealth and development, which has given an increased impetus to the arts. Ingenuity is written on every object that greets the eye around us. No object is too low and none too lofty for the comprehension of our people. Its impress is written on the humble spinster wheel with its single flyer, and on the lofty factory of 10,000 spindles. It improves the wheat fan; it constructs the cotton gin and reforms the plow; it gives power to the loom and force to the iron mill; it stalks up the current of the waters in the steamboat; it flies across the continent in a steam car; it mounts the lofty billow of the ocean against wind and tide in the steamship; its magic power imprints a volume in an hour on a steam press; it flies a thousand miles a second on the telegraph. These are the evidences of the thrift and contrivances of the people whose continued material; social and moral prosperity and advance depends largely upon the prudence and wisdom of the legislation that will be originated and matured in this General Assembly.

And, gentlemen, will you bear with me a moment whilst I call your attention to the character and capabilities of the great State, whose best interests are committed to your care and keeping. Everything in our great and growing State tends to dilate the heart, to send it upward in gratitude to a fatherly God; to send it outward in kindness to the brotherhood of man. The sky itself takes dimensions of grandeur fitted to the glorious scope of empire which it overhangs. No where is the calm more divinely fair; no where is the storm more awfully sublime; no where does the sun shine forth with a more fearless beauty. Health lives in the breeze, and plenty comes teeming from the soil. Broad dominions to be measured in leagues only by a scale of hundreds, snatch imagination from every belittling influence. There are ocean lakes in which kingdoms might be buried and leave on the surface no ripple of their graves; rivers that sweep over half a world; cataracts eternal and resistless, that hymn forever the omnipotence which they resemble; mountains that stretch into the upper light and mock from their snow-crowned pinnacles the clouds and the thunders that crash below. Of such a country we form an integral part, and the very heart and center thereof. Indiana has a school fund the most princely of any State

in the Union, and a system of common schools which brings within the reach of every child the possibility of an education sufficient for all the wants and purposes of social and business life. Indiana has a net work of railroads unsurpassed by any State in the Union, which consolidates and binds together with ties of iron people of the State in one grand and united whole. Indiana is rich in all the elements of material wealth, which only needs development to advance and elevate her position among the sister States of the Union. All these great and diversified interests are committed to your fostering care, and by judicious and proper legislation may be greatly advanced and benefited, as by a contrary course they may be retarded and defrauded. The people of the State expect of you that all the interests of the State will be properly cared for, and will sustain you in all needed legislation to accomplish this purpose. It is true you assemble in a time of great prostration of business and financial and commercial distress; and while it is right and proper that strict and rigid economy should be manifested and preserved in all appropriations, yet your constituents will expect and sustain you in all appropriations for educational, executive and judicial purposes sufficient for a very healthy and proper administration of these varied interests. And while economy, retrenchment and reform should be your aim, I beg leave to remind you, in the language of a former distinguished Speaker of this House, that parsimony is neither wise, good economy, nor substantial reform.

It is not my province or the line of my duty, gentlemen, to make any suggestions or recommendations as to the needs of the various matters of State care and concern, or the necessary appropriations that will be required at your hands for these various purposes. Upon these matters his Excellency, the Governor, will, in due time, convey to you in his biennial message the proper and necessary information.

In conclusion I beg leave to assure you, gentlemen, that I shall do all in my power to make the present session of this House pleasant and agreeable to each member thereof, so that a recollection of it will be ever cherished by one and all, and fondly hope that your deliberations may culminate in such legislation as shall satisfy your constituents, and that your work may be so approved and indorsed by them as to give a just cause to be proud that we were members of it.



The question being on the election of a Clerk, the following nominations were made:

Webster Dixon, Thaddeus Butler, and J. A. Garner.

Those who voted for Mr. Dixon were: Messrs. Alden, Allen, Barker of Pike, Baker of Tippecanoe, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Cauthorn, Compton, Confer, Cunningham, Daily, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kirkpatrick, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah and Willard—54.

Those who voted for Mr. Butler were: Messrs. Arnold of Grant and Blackford, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connoway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Rodman, Robinson, Shanks, Skinner, Sleith, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—39.

Those who voted for J. A. Garner were: Messrs. Carter, Johnson, Major, Wimmer and Works—5.

Webster Dixon having received a majority of all the votes cast, was declared duly elected Principal Clerk of the House, and took the oath of office.

The question being upon the election of Assistant Clerk, the following nominations were made:

T. C. Mays, E. G. Hay, and John Noonan.

Those who voted for Mr. Mays were: Messrs. Alden, Allen, Barker of Pike, Baker of Tippecanoe, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Daily, Dalton, Davidson, Davis, Drake, Drover, Edwins English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vampelt, Van Valzah, Willard and Mr. Speaker—54.



Those who voted for Mr. Hay were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connoway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Rodman, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—38.

Those who voted for Mr. Noonan were: Messrs. Carter, Johnson, Major, Osborn of Vermillion, Wimmer and Works—5

Thomas C. Mays, having received a majority of all the votes cast, was declared duly elected Assistant Clerk of the House, and took the oath of office.

The question being upon the election of Doorkeeper, the following nominations were made:

David B. Wilson, Jasper A. Gant, and J. J. Puterbaugh.

Those who voted for Mr. Wilson were: Messrs. Alden, Allen, Barker of Pike, Baker of Tippecanoe, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Edwins, English, Faulkner, Flodder, Galbraith, Garrouthe, Guiz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Davis, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard and Mr. Speaker—52.

Those who voted for Jasper A. Gant were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connoway, Connor, Copeland, Davis, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Rodman, Robinson, Shanks, Skinner, Sleeth, Snoddy Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—40.

Those who voted for J. J. Puterbaugh were: Messrs. Carter, Johnson, Major, Osborn of Vermillion, Wimmer and Works—6.

David B. Wilson, having received a majority of all the votes cast, was declared duly elected Doorkeeper of the House of Representatives, and took the oath of office.

Mr. Willard offered the following resolution :

*Resolved*, That the Clerk inform the Senate that the House of Representatives has organized by the election of the Hon. Henry S. Cauthorn, of Knox, as Speaker; Webster Dixon, of Jackson, as Principal Clerk; Thomas C. Mays, of Dekalb, Assistant Clerk, and David B. Wilson, of Shelby, as Doorkeeper, and is now ready to proceed to legislative business.

Which resolution was adopted.

Mr. Lehman offered the following resolution :

*Resolved*, That the standing rules and orders of the House of Representatives of the session of 1877 be adopted as the standing rules of the House, except that article 56 of said rules read as follows : " The first reading of a bill shall be for information, and if opposition be made to it, the question shall be : Shall this bill be rejected. If no opposition be made or if no question to reject be negatived, then the bill shall be ready for commitment, and if committed, then the question shall be : Whether to a select or a standing committee or to a committee of the whole House. If to a committee of the whole House, the House shall determine on what day, after which the bill shall pass to a second reading, unless the House shall otherwise order."

Also that article fifth of said rules read as follows : " Upon the second reading of a bill the Speaker shall state it as ready for amendment or engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed on the general file on the Speaker's table to be taken up in order."

*Resolved*, The Senate concurring herein, that the joint rules for conducting business in the two Houses of the General Assembly of the State of Indiana, adopted at the last regular session, be, and they are, hereby adopted as such joint rules for the present session of the General Assembly.

*Be it furthermore resolved*, That two hundred copies of said rules and joint rules, with the constitution of the State of Indiana be printed for the use of the members of this House as soon as the various committees of this House shall have been appointed, when their names shall be printed with the rules as above stated.

Mr. Overmeyer offered the following amendment to the foregoing resolution :

*Resolved*, That the rules of the last House of Representatives shall be the rules of this House until otherwise ordered, and that a committee of three be appointed by the Speaker to report rules for the government of the House, which committee shall report on Monday next.

Mr. Tully moved to amend the amendment by making the committee to consist of five instead of three.

Which amendment was agreed to.

Whereupon, the Speaker appointed Messrs. Humphreys, Caldwell, Johnson, Willard and Gordon as such committee.

The Speaker appointed Messrs. Caldwell and Thayer as a committee to notify the Senate that the House had organized and was ready for the transaction of business.

Mr. Thayer offered the following resolution:

*Resolved by the House of Representatives*, That the Speaker be and is hereby requested to appoint little girls as the floor pages of this House.

Which resolution, on motion, was laid on the table.

On motion of Mr. Edwins, the House took a recess until two o'clock, P. M.

## AFTERNOON SESSION.

JANUARY 9, 1879.

The House re-assembled at two o'clock, P. M.

Mr. Humphreys offered the following resolution:

*Resolved*, That a committee of two on the part of the House be appointed to act with a similar committee on the part of the Senate, to wait on his Excellency, the Governor, to inform him of the organization of the two Houses, and learn of him at what time it will suit his convenience to make whatever communication he may have to make to the General Assembly.

Which resolution was adopted.]

Whereupon the Speaker appointed Messrs. Humphreys and March as said committee.

The following communication was received from the State Librarian:



INDIANAPOLIS, IND., January 9, 1879.

*To the Hon. Speaker House of Representatives:*

SIR: I have the honor to report to you, and through you to the House of Representatives, that the following rooms are prepared in the Court House for the use of House committees:

Room No. 74—House Engrossing Clerk, over cloak room of House, third floor.

Room No. 75—Ways and Means Committee.

Mr. Lehman offered the following:

*Resolved*, That the sincere thanks of the members of the House be, and are hereby, tendered to Hon. John E. Neff, Secretary of State, for the prompt and gentlemanly manner and services in organizing this body.

Which resolution was adopted.

Mr. Caldwell offered the following:

*Resolved*, That the thanks of the members of the House of Representatives are hereby tendered to the Hon. W. E. Niblack, of the Supreme Court, for the services rendered by him this day in assisting to organize the House.

Which resolution was adopted.

Mr. Gordon offered the following:

*Resolved*, That the Speaker of the House be instructed to draw his warrant on the State Treasurer for pay of members and employes of the House not oftener than every two weeks.

Mr. Osborn moved to strike out that part which related to employes.

Which motion was agreed to.

Mr. Lehman moved to lay the resolution and amendment on the table.

Which motion was agreed to.

House Bill No. 1. Introduced by Mr. Lehman, entitled "A bill appropriating one hundred and twenty-five thousand dollars to defray the expenses of the fifty-first regular session of the General Assembly of the State of Indiana, and other matters connected therewith."

Read the first time.

Mr. Lehman moved that the rules be suspended and the bill read the second and third times.

The ayes and noes were taken under the rule.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant and Blackford, Arnold of Wabash, Baker of Tippecanoe, Barker of Pike, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connor, Copeland, Cunningham, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, March, Messick, Mitchell, Nave, Osborn of Vermillion, Overmyer, Perry, Reed, Rodman, Shanks, Shutt, Sleeth, Taylor of Warwick, Van Valzah—54.

Those who voted in the negative were: Messrs. Brown of Steuben, Campbell, Connaway, Dailey, English, Faulkner, Golden, Gordon, Harland, Herod, Hubbard, Kelly, Lindley, Major, Miers, Osborn of Elkhart, Owen, Reichelderfer, Robeson, Robinson, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Works and Mr. Speaker—40

The rules were not suspended.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has perfected its organization by the election of the following officers, namely: Secretary, D. D. Dale; Assistant Secretary, Charles W. Ward; Doorkeeper, Richard Huncheon. And the Senate is now ready for business.

D. D. DALE, Secretary.

House Bill No. 2. Introduced by Mr. Davidson, entitled "A bill regulating interest on money, and to provide for the recoupment of usurious interest."

Read the first time.

House Bill No. 3. Introduced by Mr. English, entitled "A bill for the assessment of real property in the year 1879, and every five years thereafter, with reference to the amount owned on the first of April on the current year, making such assessment the basis

of taxation, repealing so much of any law as provides for the assessment of real property in 1875, and every five years thereafter, with reference to the amount owned on the first day of January of the current year, and declaring all other laws not inconsistent with this act in relation to the assessment of real property for taxation to be applicable to the assessment in 1879, and every five years thereafter, the same as if no change in the time of assessment had been made, and declaring an emergency."

Read the first time.

House Bill No. 4. Introduced by Mr. Edwins, entitled "A bill regulating interest."

Read the first time.

House Bill No. 5. Introduced by C. R. Faulkner, entitled "An act to amend section 1 of an act entitled 'an act regulating the number of grand jurors and the manner of their selection, approved March 13, 1875.'"

Read the first time.

House Bill No. 6. Introduced by Mr. Stevens, entitled "An act to provide for the appraisement of all real property in 1879."

Read the first time.

House Bill No. 7. Introduced by Mr. Compton, entitled "An act regulating the working of coal mines and declaring a lien upon the works and machinery for work and labor in mining coal and for the royalty on coal, and providing penalty for the violation thereof, providing for the appointment of inspector, and declaring an emergency."

Read the first time.

House Bill No. 8. Introduced by Mr. Caldwell, entitled "An act regulating interest on money, and providing that the taking, receiving, reserving or charging a greater rate of interest than is allowed by this act, shall work a forfeiture of the entire interest which the note, bill or other evidence of debt carries with it; and providing further, that the person by whom such rate of interest has been paid, or his legal representatives, may recover back in an action in the nature of an action of debt twice the amount of the interest thus paid from the person or corporation taking or receiving the same, and repealing all laws inconsistent with this act."

Read the first time.

House Bill No. 9. Introduced by E. H. Stevens, entitled "An

act to regulate the setting of corner-stones or monuments in public roads or highways.”

Read the first time.

House Bill No. 10. Introduced by Mr. Davidson, entitled “A bill to exempt claims and interest of the widows, children and defendants of members of Masonic, Odd Fellows, and other charitable societies.”

Read the first time.

House Bill No. 11. Introduced by Mr. Hess, entitled “An act to amend the act of March 3, 1877, authorizing boards of county commissioners to construct gravel roads.”

Read the first time.

The following message was received from the Senate:

*Resolved*, That a committee of two on the part of the Senate be appointed to act with a like committee on the part of the House, to wait upon his Excellency, the Governor of the State, and inform him of the organization of the two Houses, and learn of him at what time it will suit his convenience to make whatever communications he may desire to the General Assembly.

House Bill No. 12. Introduced by Mr. Shields, entitled “A bill to legalize the corporation of the city of Seymour, Jackson county, Indiana, and all the official acts done by the common council and officers of said city; to legalize all bonds issued and all taxes levied by the common council and officers of said city, and legalizing the passage of all ordinances of said city numbered 143 to 172, inclusive, and providing that the proof of the passage of said ordinances, and the incorporation of said city, shall be made in courts of justice, and declaring an emergency.”

Read the first time.

House Bill No. 13. Introduced by Mr. Overmyer, entitled “A bill to amend sections 1 and 2 of an act entitled ‘an act prescribing the manner of impanneling petit jurors, the number and compensation thereof, approved May 20, 1852.’”

Read the first time.

Mr. Lehman offered the following:

*Resolved*, That the Doorkeeper be instructed by the Chair to procure, either from the State Librarian or Secretary of State, a sufficient number of the Statutes of the State of Indiana with which to supply the members of the House of Representatives—said Statutes



to be used during the session of the Legislature, and not become the property of individual members, unless the State receive payment for the same—such payment being the wholesale price of said Statutes.

Mr. Handy moved to lay the resolution on the table.

Messrs. Lehman and Gordon demanded the ayes and noes.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Bearss, Briggs, Campbell, Compton, Connaway, Connor, Copeland, Cunningham, Dailey, Donnell, Drake, Drover, English, Ginz, Golden, Gordon, Handy, Herod, Humphreys, Huthsteiner, Johnson, Kelly, Major, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Rodman, Rooker, Shauck, Shields, Skinner, Sleeth, Stevens, Stucker, Taylor of Daviess, Thompson, Tully, Vawter, Watson, Willard and Works—48.

Those who voted in the negative were: Messrs. Allen, Baker, Barker, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Confer, Dalton, Davidson, Davis, Edwins, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Harland, Hart, Hess, Hopkins, Hosmer, Hubbard, Kester, Kirkpatrick, Lehman, Lindley, Messick, Miers, Mitchell, Perry, Reichelderfer, Robeson, Saint, Scholl, Schweitzer, Shanks, Shutt, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Van Valzah and Wimmer—50.

The motion was not agreed to.

Mr. Works moved to amend the resolution so as to include such books as are now on hand.

Mr. English moved to amend by striking out all after the word resolve and inserting the following:

That a copy of the revised code be furnished by the Librarian to each standing committee of this House, and that the chairman of each committee shall be responsible for the return of the books to the library at the close of the session.

Mr. Hess moved that the amendment to the amendment do lay on the table.

Messrs. Tulley and Handy demand the ayes and noes.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Carter, Compton, Confer, Connaway, Copeland, Cunningham, Dalton, Davidson, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette,



Golden, Hart, Hess, Hosmer, Hubbard, Huthsteiner, Johnson, Kester, Kirkpatrick, Lehman, Lindley, March, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Scholl, Schweitzer, Shanks, Shauck, Shutt, Skinner, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vampelt, Van Valzah, Vawter, Willard and Works—64.

Those who voted in the negative were: Messrs. Allen, Bearss, Blockley, Bryant, Campbell, Connor, Dailey, Davis, Donnell, English, Ginz, Gordon, Handy, Harland, Herod, Hopkins, Humphreys, Kelly, Major, Messick, Osborn of Elkhart, Reed, Rodman, Robinson, Rooker, Saint, Shields, Sleeth, Stevens, Taylor of Daviess, Thompson, Tully, Watson, Wimmer and Mr. Speaker—35.

The motion was agreed to.

Mr. Overmyer moved that the resolution do lie on the table.

Messrs. Tully and Gordon demanded the ayes and noes.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant and Blackford, Arnold of Wabash, Bearss, Briggs, Bryant, Campbell, Carey, Compton, Connaway, Conner, Copeland, Cunningham, Dailey, Davis, Donnell, Drake, Edwins, English, Faulkner, Golden, Gordon, Handy, Herod, Hopkins, Humphries, Huthsteiner, Johnson, Kelly, Kirkpatrick, Lindley, Major, March, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Thornburg, Tulley, Vawter, Watson, Willard, Works and Mr. Speaker—63.

Those who voted in the negative were: Messrs. Allen, Baker, Barker, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Carter, Confer, Dalton, Davidson, Drover, Fancher, Flodder, Galbraith, Garrouette, Ginz, Harland, Hess, Hosmer, Hubbard, Kester, Lehman, Messick, Miers, Mitchell, Perry, Robeson, Scholl, Snoddy, Taylor of Warrick, Vanpelt, Van Valzah and Wimmer—35.

The motion was agreed to.

Mr. Humphreys, from the select committee, presented the following report, directed to the Speaker :

The committee appointed jointly with a similar committee from the Senate to wait upon his Excellency, the Governor, and to ascertain at what time it would suit him to make any communications to

the joint session of the Senate and House, would respectfully report that we have discharged that duty, and that his Excellency has designated Friday, March 10, 1879, at 2:30 o'clock, P. M.

House Bill No. 14. Introduced by Mr. Reed, entitled "An act to provide for the incorporation of any public or private cemetery already laid out and recorded, where any of the lots therein are occupied for the burial of the dead, and to provide for its maintenance, improvements and additions thereto, the collection of assessments thereon, and the election of officers for its government, approved March 6, 1875."

Read the first time.

Mr. Lehman offered the following:

*Resolved*, That the Senate be invited to meet in joint session with the House, at 2:30 o'clock, P. M., Friday, January 10, 1879, for the purpose of receiving the biennial message of the Governor, and that the Doorkeeper of the House be instructed to prepare seats for the members of the Senate.

Which resolution was adopted.

House Bill No. 15. Introduced by Mr. Lehman, entitled "An act to legalize the election held in 1878 in the town of Edinburg, in Johnson county, and State of Indiana, and to legalize the official acts of the board of trustees of said town for said year, and to legalize the acts of all other officers of said corporation for said year, under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852, and to legalize all by-laws, rules, regulations and proceedings of said board of trustees, and said other officers, adopted in pursuance thereof, approved June 11, 1852."

Read the first time.

On motion of Mr. Briggs, the House adjourned until to-morrow morning, at nine o'clock.

(Approved.)

HENRY S. CAUTHORN,

Speaker of the House.

---

FRIDAY MORNING.

JANUARY 10, 1879.

The House met at nine o'clock, with the Speaker in the chair.

The journal of yesterday's proceedings was read and approved.

The Speaker appointed as pages Laertes L. Confer, Marshall county ; Thomas H. Morgan, Marion county ; Joseph Somers, Knox county ; Charles Reed, Marion county ; Charles Smith, Madison county.

House Bill No. 16. Introduced by Mr. Stevens, entitled " An act defining what property held and owned by any person or persons, transferred under the laws of this State to any township town or city, may be taxed for educational purposes, in said township or city."

Read the first time.

Mr. Copeland offered the following resolution :

*Resolved*, That the thanks of this House are hereby tendered to the State Librarian, Richard A. Conner, for the manner in which he has arranged this hall for our reception, and for courtesies extended to the members.

Which resolution was adopted.

House Bill No 17. Introduced by Mr. Dalton, entitled "A bill to repeal an act entitled an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies, approved May 12, 1869, and the several acts supplemental thereto."

Read the first time.

House Bill No. 18. Introduced by Mr. Dalton, entitled "An act regulating interest on money and judgments, and to repeal all other laws and parts of laws in conflict with this act."

Read the first time.

House Bill No. 19. Introduced by Mr. Edwins, entitled "An act to regulate the catching of fish and to repeal an act entitled an act to provide for the protection of fish, approved March 9, 1867 ; and also an act entitled an act to provide for the protection of fish, approved February 22, 1871, and all other laws and parts of laws in conflict with this act."

Read the first time.

House Bill No. 20. Introduced by Mr. Connor, entitled "A bill providing for the establishment of a Bureau of Statistics and Geology, and creating the office of chief of such department."

Read the first time.

House Bill No. 21. Introduced by Mr. Connor, entitled "An

act transferring the duties of township assessors to township trustees, abolishing the office of township assessors, etc.”

Read the first time.

House Bill No. 22. Introduced by Mr. Connor, entitled “An act providing for a homestead and exempting it from sale on execution, and to exempt certain personal property from attachment and sale on execution.”

Read the first time.

Mr. Gordon offered the following resolution :

*Resolved*, That the use of this Hall be accorded to “Indianapolis Equal Suffrage Club” on Saturday evening, January 18, at 7:30 o’clock, for the purpose of the delivering of a lecture by Mrs. Cady Stanton in favor of equal suffrage.

Which resolution was adopted.

Mr. Herod offered the following resolution :

*Resolved*, That a committee of three be appointed by the Speaker to make arrangements with the clergymen of the city, and others who may be in the city during the present session of the General Assmbly, whereby some one of said clergymen may be present every morning to open the deliberations of the House each day with prayer.

Which resolution was adopted.

Whereupon the Speaker appointed Messrs. Herod, Edwins and Briggs as such committee.

House Bill No. 23. Introduced by Mr. Herod, entitled “A bill to create the forty-third judicial circuit, and for other purposes.”

Read the first time and referred to the Committee on the Organization of Courts.

House Bill No. 24. Introduced by Mr. English, entitled “A bill regulating the indebtedness of counties having a voting population of over twenty thousand as shown by the votes cast for Governor at the last preceding election ; authorizing the funding of the indebtedness of such counties in bonds in certain cases ; prohibiting the creation of county debt, except as therein authorized, and prescribing the kind and amount that may be created ; limiting the amount of taxes that may be levied by the board of county commissioners ; prescribing penalties for certain violations of this act, and repealing all laws in conflict therewith, and declaring an emergency.”

Read the first time.



House Bill No. 25. Introduced by Mr. English, entitled "A bill to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, repealing all conflicting laws, and declaring an emergency."

Read the first time.

House Bill No. 26. Introduced by Mr. English (by request), entitled "A bill for an act providing for the assessing and appraising of property for taxation; for the collection of taxes and the manner of accounting for the same, and for the keeping of and adjusting the accounts of the receipts and expenditures of counties; for the distribution of the funds collected by the county treasurers; limiting the tax levies of counties and townships, and for other purposes."

Read the first time.

The Speaker laid before the House the following communication from the Secretary of State:

INDIANAPOLIS, January 10, 1879.

*To the Speaker of the House of Representatives :*

SIR: I transmit herewith the papers in the case of William P. Drake, contestant of the seat of Albert C. Bearss, Representative from the county of Miami; William B. Seward, contestant of the seat of Robert W. Miers, Representative from the county of Monroe; George W. Gibson, contestant of the seat of James P. Arnold, Representative from the counties of Grant and Blackford.

Very respectfully,

JNO. E. NEFF,

Secretary of State.

House Bill No. 27. Introduced by Mr. English, entitled "A bill to fix the number of Senators and Representatives of the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State; repealing all conflicting laws, and declaring an emergency.

Read the first time.

House Bill No. 28. Introduced by Mr. English, entitled "A bill to divide the State of Indiana into Congressional districts, and repealing all conflicting laws."

Read the first time.



Mr. Reed offered the following resolution :

*Resolved*, That the thanks of this House be tendered to Rev. Robert Sloss, pastor of the Third Presbyterian church, Indianapolis, for his services as chaplain on the occasion of the organization of the House.

Which resolution was adopted.

Mr. Thompson offered the following resolution :

*Resolved*, That the Doorkeeper of this House be and is hereby ordered to place a man at each opening in the railing in the rear of this hall.

Which resolution was not adopted.

House Bill No. 29. Introduced by Mr. Works, entitled "An act concerning the rights and liabilities of married women, and repealing all laws in conflict with this act."

Read the first time.

House Bill No. 30. Introduced by Mr. Works, entitled "A bill to amend section eight of an act entitled an act concerning real property and the alienation thereof."

Read the first time.

Mr. Allen moved that a committee of five be appointed to examine the capacity and fitness of the committee rooms provided by the State Librarian.

Which motion was not agreed to.

Mr. Allen offered the following :

*Resolved*, That the thanks of this House are due and are hereby tendered to the Hon. Richard A. Conner, Librarian of State, for placing on the desks of the members the proceedings of the Fiftieth General Assembly.

Which resolution was adopted.

House Bill No. 31. Introduced by Mr. Allen, entitled "An act to define certain practice in the various courts, including the mayor's courts, in the several cities in this State, and to repeal all laws conflicting therewith, and declaring an emergency."

Read the first time.

House Bill No. 32. Introduced by Mr. Watson, entitled "An act in relation to prosecution of felonies, by affidavit, and information in certain cases."

Read the first time.

House Bill No. 33. Introduced by Mr. Watson, entitled "A bill to amend the third, seventh, ninth and tenth sections of an act entitled an act prescribing the powers and duties of justices of the peace in State cases, approved May 29, 1852, and an act supplemental thereto."

Read the first time.

House Bill No. 34. Introduced by Mr. Watson, entitled "An act concerning interest, usury, and providing for recouping and recovering interest in certain cases."

Read the first time.

House Bill No. 35. Introduced by Mr. Watson, entitled "An act to amend section 64 of an act entitled an act providing for the election and qualifications of justices of the peace and defining their jurisdiction, powers, and duties in civil cases, approved June 18, 1852."

Read the first time.

House Bill No. 36. Introduced by Mr. Watson, entitled "A bill to define and suppress tippling houses; to regulate the sale, barter and giving away of spirituous and malt liquors, wine and other intoxicating liquors; to punish public exhibitions of drunkenness, and to provide penalties for the violation of this act; to repeal all laws inconsistent therewith, and declaring an emergency."

Read the first time.

House Bill No. 37. Introduced by Mr. Faulkner, entitled "An act fixing the per diem and mileage of members of the General Assembly, Senators, Clerks, Doorkeepers, and other employes thereof."

Read the first time.

House Bill No. 38. Introduced by Mr. Faulkner, entitled "An act entitled an act to amend section 6 of an act entitled an act concerning inclosures, trespassing animals, and partition fences, approved June 4, 1852."

Read the first time.

House Bill No. 39. Introduced by C. R. Faulkner, entitled "A bill to amend an act entitled an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation

thereto, and to repeal all laws inconsistent therewith, approved March 6, 1877.”

Read the first time.

House Bill No. 40. Introduced by Mr. Faulkner, entitled “An act to amend sections 3, 4, 6 and 8 of an act entitled an act to provide certain forms and duties of county commissioners, township trustees, city councils and trustees of towns in relation to elections.”

Read the first time.

Mr. Sleeth offered the following resolution:

*Resolved*, That the Hon. Secretary of State be and is hereby requested to furnish to the Speaker of this House a certified copy of each of the enrolled resolutions proposing amendments to the Constitution of the State of Indiana on file in his office, and which passed the Senate and House at the last session of the General Assembly.

Which resolution was adopted.

House Bill No 41. Introduced by Mr. Baker, entitled “An act to repeal an act entitled an act limiting the eligibility to the office of township trustees.”

Read the first time.

House Bill No. 42. Introduced by Mr. Baker, entitled “An act to repeal section 14 and amend section 114 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing fees for certain officers named therein, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and declaring an emergency.”

Read the first time.

House Bill No. 43. Introduced by Mr. Baker, entitled “A bill for an act concerning interest on money, goods or things in action.”

Read the first time.

House Bill No. 44. Introduced by Mr. Taylor of Warriek, entitled “A bill to amend section 2 of an act entitled an act to amend an act entitled an act to provide a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith,

providing penalties therein prescribed, approved March 6, 1865, and adding supplemental sections thereto, approved March, 1873."

Read the first time.

House Bill No. 45. Introduced by Mr. Taylor, entitled "An act to legalize the assessment and levy of all taxes heretofore made by the board of trustees of incorporated towns, and declaring an emergency."

Read the first time.

House Bill No. 46. Introduced by Mr. Mitchell, entitled "An act to amend section 1 of an act to provide for township elections, approved March 3, 1877, repealing all laws or parts of laws inconsistent with this act, and declaring an emergency."

Read the first time.

Mr. Gordon offered the following:

*Resolved*, That when the House adjourns the afternoon session to-day, it shall be until two o'clock, P. M., Monday, January 13th, for the purpose of enabling the Speaker to have time to arrange the regular standing committees of the House.

Which resolution was adopted.

On motion of Mr. Campbell the House took a recess until two o'clock, P. M.

## AFTERNOON SESSION.

JANUARY 10, 1879.

The House met, with the Speaker in the chair.

Mr. Lehman offered the following:

*Resolved*, That a committee of three be appointed by the House to wait upon and escort the Senate to the hall of the House, at the joint meeting of the Assembly this afternoon, at 2½ P. M., for the purpose of hearing the message of his Excellency, Governor Williams.

Which resolution was adopted.

Whereupon the Speaker appointed Messrs. Lehman, Gordon and Works as such committee.

Mr. Carey offered the following resolution, to-wit:

*Resolved*, That a committee of three members be appointed to act with a similar committee on the part of the Senate, to examine the



committee rooms reported by the State Librarian, and select a sufficient number of suitable rooms for the necessary committees in this building; or if a sufficient number can not be obtained in this building to make a selection as convenient to the Court House as possible, and report on Monday next.

Which resolution was not adopted.

The hour having arrived for the assembling of the Joint Convention to hear what communications the Governor might have to make, the members of the Senate appeared and were assigned seats on the right of the hall of the House. The Joint Convention was called to order by Lieutenant Governor Gray.

Mr. Humphreys offered the following :

*Resolved*, That a committee of two Senators and two Representatives be appointed to inform his Excellency, the Governor, that the Senate and House are now in joint session, and ready to receive any communication he may desire to make to the General Assembly.

Whereupon the Lieutenant Governor appointed Representatives Willard and Thayer, and Senators Cadwalder and Burrell, as such committee.

Senator Burrell, from the joint committee, reported that his excellency was now in the hall of the House and ready to deliver his biennial message to the General Assembly.

The Governor read the following message :

*Gentlemen of the General Assembly:*

I cordially welcome you to the Capital, for the discharge of the important duties entrusted to you by the people. It will be my pleasure to aid you in learning the transactions of the Executive Department of our State government, during the past two years, and in providing for the needs of our community during the ensuing two years, for which we are together responsible.

The last General Assembly, having been convened in special session for the completion of important matters which had been inexcusably delayed until a late day of the regular session, adjourned March 15, 1877.

The acts of the two sessions in one volume, with the "accurate statement of the receipts and expenditures of the public money," required by the Constitution, were so "published and circulated in the several counties of the State, by authority" that by the receipt and filing of the same in Pike county, they took effect July 2, 1877, as evidenced by my proclamation of July 5, 1877.



Joint resolutions proposing nine important amendments to the Constitution were passed, and the proposed amendments, having been agreed to by a majority of the members elected to each of the two Houses, were entered upon their journals and referred to the body now constituted of yourselves. It is desired that you take early action upon this pending business, that the proposed amendments, if agreed to by a majority of all the members elected to each house, may be at once submitted to the electors of the State, and, if ratified by them, be declared parts of our fundamental law, upon which you may proceed to enact a series of wholesome laws now urgently demanded by the interest of our people.

I congratulate you that the instruction to our Senators and Representatives, conveyed by a joint resolution requesting them "to use all lawful means to procure the speedy enactment of a law of Congress restoring the legal-tender quality of the silver dollar of the coinage of 1792, and making the same a legal-tender for the payment of all debts, public and private, except as otherwise provided by law," has aided in the restoration of our original unit of value, by an act of Congress, to which they gave their support. Sustained by its double metallic standard, our financial system gives promise of greater stability than when deprived of its support.

The mandates of other resolutions, addressed to ministerial officers, has been obeyed, and you will be advised of the conclusions reached by them.

The act of March 7, 1877, providing judges to preside at adjourned terms and to try cases on change of venue from the judge of a circuit has been of advantage to litigants in securing a speedy trial; but the provision for compensation, made in section 5, has been so annulled by the later act making general appropriations, that county treasurers have been embarrassed in their efforts to comply with an appropriation so unusual and irregular. Gentlemen who have performed services await further legislation providing for their compensation.

The additional courts constituted for the counties of Marion, Allen, Cass, Vanderburg, Jackson, Washington and Wayne have been organized by the appointment and qualification and subsequent election of judges.

The acts providing for the election of township officers were found to contain conflicting provisions, which must be harmonized by you.

The modification of the act defining larceny and prescribing a punishment more within the discretion of the court than before has served a good purpose. It may be well to revise other sections of the criminal code, in the light of this experience.

The "act authorizing the acquisition of Green River Island, or to locate the true boundary line at said Island," has been so far executed as to learn from the Governor of Kentucky that the action of the Commissioner appointed by that State to make the survey had been ratified and confirmed by the Legislature.

The attempted amendment of section 22 of the act for the incorporation of towns, conferring enlarged powers upon the Board of Trustees, has been held to be void, because violating a well-settled rule for the amendment of statutes.

I appointed Messrs. Frank Emerson, John B. Hannah and Robert P. Haynes, "three discreet persons, to settle and adjust the claims made against the State Prison South," payable out of the appropriation of \$130,000, made by act of March 10, 1877. Their work was so discreetly and carefully done, as shown by their records and papers filed with the Auditor of State, that a highly satisfactory adjustment and settlement was made of that very troublesome floating indebtedness.

#### EXECUTIVE AND ADMINISTRATIVE DUTIES.

The Constitution, in dividing the powers of the government, has vested "the legislative authority of the State" in yourselves, "the judicial power" in the courts, and the residue "the executive, *including the administrative*," "in a Governor." The duties of the respective offices denominated "administrative" are "directed by law." The officers are the ministerial agents of the people, upon whom duties are "enjoined by law," which must be literally and exactly performed. The Governor is charged with the duty "to execute the laws," "to suppress insurrection," and "to repel invasion," and is given ample military power. It is provided that "He shall, from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient." To do this, it is provided further that "the Governor shall transact all necessary business with the officers of government and may require information in writing from the officers of the administrative department upon any subject relative to their respective offices," and it is

enjoined that "*He shall take care that the laws be faithfully executed.*" He is given power, in his discretion to control the execution of process upon criminal judgments, and modify fines and judgments rendered upon forfeited bonds. To avoid the consequences of vacancies in certain ministerial offices and in the General Assembly itself, he is authorized to appoint to the one and "issue writs of election to fill" the other. He may convene the General Assembly at a place remote from the seat of government, and "may at any time, by proclamation, call a special session." His part in the business of legislation is such that he may return to the General Assembly for its reconsideration any bill for an act presented to him for approval and execution. It thus appears that the Governor is not a ministerial officer, but, rather, a supervisor of the transactions of others, and possessed of discretionary powers peculiarly his own and entitled to a respect equal to that accorded to each of the other departments. If so, much legislation heretofore enacted, imposing laborious and responsible duties of a ministerial character upon the office, has been justifiable simply because of the acquiescence of the incumbent in the will of the law-making body, and is not a good precedent to be followed.

The duties incident to the establishment and management of Purdue University, the House of Refuge, the Orphans' Home, the Female Prison, the Insane Hospital, the State House, the valuation of property for taxation, and sundry other boards of an administrative character, may be mentioned as examples of that disposition. With a few exceptions, the office which I have the honor to hold has been treated with marked respect by the administrative officers amenable to it under the Constitution. The retiring State officers are entitled to great credit for the zeal, integrity and ability which they have displayed in the discharge of the duties of their several offices, during their four years occupancy thereof, and for the reforms which they have effected therein. Each has my grateful acknowledgments for his co-operation with me. One, who will enter upon a further and unusual term of service, has, in his election thereto, received a rare commendation from our appreciative people.

#### ANNUAL REPORTS, 1877.

An act approved February 3, 1853, provides for annual reports of State officers and benevolent institutions, the same to be made to the Governor. Officers since created have by executive require-



ment and implied legislative direction reported in like manner. These reports for the year ending October 31, 1877, fifteen in all, have been published in a volume of convenient form, entitled "Annual Reports of Indiana, 1877," and are laid before you for your information. The Secretary of State communicates a condensed report of the business of his office for the year, including a report of the proceedings of the administrative boards, of which he is secretary *ex officio*, a register of state and county officers, commissioners of deeds, notaries public and justices of the peace and others to whom commissions have issued, a list of corporations and associations organized and other matters pertaining to the office.

The reports of the Auditor and Treasurer together constitute a complete showing of the transactions of the treasury department. Upon the enactment of the appropriation laws of March 10, 1877, the fiscal business was made to conform strictly to their requirements.

The general fund had and received during the year....	\$2,128,242 83
And disbursed.....	1,859,005 36

---

Leaving, October 31, 1877.....	\$269,237 47
--------------------------------	--------------

The receipts included two hundred thousand dollars of the temporary loan, being the proceeds of a renewal at a less rate of interest of the part falling due December 1, 1876, which appears to have been paid. Each disbursement account has its authority in those acts, so much as precedes April 1 being legalized by the third section of the first act, and the others limited by the express terms of its sections one and two.

As the accounts of each institution were verified by the Auditor of State, they constitute exhibits in detail of the sums charged to them. They will be carefully examined by your appropriate committees.

The report from the Department of Public Instruction is brief. Its contents relate mostly to the enumeration and school attendance and the school funds and revenues for the year, and will reach you in a revised and more comprehensive form in the biennial report.

#### ANNUAL REPORTS, 1878.

I respectfully transmit a report to you of "each case of reprieve, commutation or pardon granted, and also the names of all persons in



whose favor remissions of fines and forfeitures \* \* have been made, and the several amounts remitted," during the years 1877 and 1878, by my predecessor in office and myself, as required by the Constitution. Accompanying it are some tables approximating accuracy and showing the growth of crime and punishment of criminals since the reception of the first convict in the State Prison. Imperfect as our criminal statistics are, they may afford valuable aid in legislating upon an important and troublesome matter. The Constitution provides "that the General Assembly may by law constitute a council, to be composed of officers of state, without whose advice and consent the Governor shall not have power to grant pardons in any case except such as may by law be left to his sole power." In order to relieve the executive of a great responsibility, I recommend a law in accordance with this proviso.

For your information as to the transactions of the government during the year ending October 31, 1878, I lay before you reports made to me by officers named as follows:

The Adjutant General.

The Quartermaster General.

The Secretary of State.

The Auditor of State.

The Treasurer of State.

The Attorney General.

The Superintendent of Public Instruction.

The State Librarian.

The Trustees of the Institute for the Education of the Blind.

The Trustees of the Institution for Educating the Deaf and Dumb.

The Trustees of the Soldiers' and Seamen's Orphans' Home.

The Trustees of the State Normal School.

The Trustees of Indiana University.

The Trustees of Purdue University.

The Directors of the State Prison South.

The Directors of the State Prison North.

The Commissioners of the House of Refuge.

The Managers of the Female Prison and Reformatory Institution.

The Board of State House Commissioners.

The Provisional Board of Commissioners for the Hospital for the Insane.

The State Board of Agriculture.

The State Horticultural Society.

The Commissioners of the Hospital for the Insane have preferred to follow the mandate of the act of 1852, providing for the government of the Hospital, rather than the act of 1853 providing for annual reports from the subordinate officers to the head of the executive service, and have made their report directly to you. It was received at my office December 7, and, appearing not to be made to it, was delivered to the Secretary of State that upon his organization of the House of Representatives he might deliver it to the Speaker.

#### MILITIA.

The act approved May 11, 1861, for the organization and regulation of the Indiana Militia had so far become a forgotten relic of our civil war as to be omitted entirely from the last revision of the statutes. The Constitution (Article XII) provides who shall be subject to military service, and that "the General Assembly shall determine the method of dividing the militia into divisions, brigades, regiments, battalions and companies, and fix the rank of all staff officers," and divide it into classes of sedentary and active militia. These requirements are met by the act of 1861. It prescribes the manner of organizing and mustering a company into the active militia, denominated "The Indiana Legion," and for the supply of arms and equipments; a system of instruction and encampments; councils of administration and courts martial; calls into active service, and resignations, dismissals and discharges. Until quite recently, the last named have been the most popular features of the law. Of the system a general officer, who observed its workings while protecting the southern border of the State from invasion in 1862, wrote to his superior in command:

"Much may be done to increase the efficiency of the Legion by proper amendments of the law. There must be some inducements to go into the companies, either by way of exemption from other burdens, or by bounty, or by both. Whatever the inducement may be, it must be a continuing one, so that it will have the effect not only to impel men to join the companies, but to continue in them and discharge the duties which result from membership. It can not be expected that men will long give up their other employments

and spend their money to get up and maintain military organizations without some inducement. \* \* \* The law should provide a short and efficient means of compelling attendance of members at drill, etc. Its provisions on this subject are circuitous and inefficient. The law provides for swearing the members of the companies after the election and it is said, in many instances, that those who have signed the articles of association, not getting an office, have refused to take the oath. It is suggested to me that the oath should be administered first and the election held afterward. Other amendments might be suggested in regard to the organization of companies. The process ought to be greatly simplified."

The present Adjutant General has succeeded in securing the organization of twenty-one companies, those forming the associations having been led to assume the burdens imposed by the law because of a generous rivalry between the lovers of military tactics and display in our leading cities and towns. You will be asked to add needed amendments to the existing statute, or to enact a new law affording as much encouragement to military organizations as do the laws of other States of equal rank. Occasion for the use by civil authority of a well-drilled and well-disciplined body of troops may arise at any time in our populous localities, or even in remote districts where men congregate who have little knowledge of our laws, and no respect for the peace and dignity of our State.

On the 26th of July, 1877, I was officially informed by the sheriff of Marion county that certain railway employes, because of a disagreement with their employers, had ceased from service and by their inactivity had occasioned an interruption and delay of transportation across his county; that no breach of the peace had come under his observation and no information of any had been received by him; that, with the exception of the detention of railway trains, there had been no forcible violation of the peace; and that no injury to person or property had been committed. He advised the issuance by me of a proclamation ordering all unlawful assemblages to disperse, cease their violence and yield to the authority of law, expressing the opinion that such an order would command that respect which an officer occupying his position could not secure. In conclusion, he said:

"Such a proclamation from you as I suggest might accomplish the desired result; but, in my judgment, persuasion will not avail anything. I have no organized force at my command of any des-



cription, but am utterly powerless in the event of a serious disturbance, unless you will at once furnish me an adequate force to maintain the law."

I at once issued and caused to be published my proclamation of that date. The organized companies in this county were ordered into camp at the United States Arsenal grounds, and the Adjutant General, assisted by prominent citizens of Indianapolis constituting a "committee of safety," rapidly organized, mustered, officered and equipped other companies and caused them to encamp on the same grounds. I requested General Ben Harrison to assume command of the forces so organized. He replied, saying: "I am very much obliged for this expression of your confidence, but the committee of safety had recommended General Dan Macauley for the place, and I would therefore ask you to commission him." He, however, took command of a company. General Macauley was commissioned and immediately took command and organized a staff, which was also commissioned and entered upon duty with him. By advice of the committee of safety and especially of a member thereof, who is an experienced officer, and the commandant himself, to avoid the possible danger of a delay in transmitting formal requisitions to the ordnance department for ordnance stores due the State, I telegraphed the President saying: "In view of threatened domestic violence growing out of the railroad strike, I request that authority be at once given to the commandant of the arsenal to render all the aid possible in preserving the public peace."

Receiving at the same time and complying with requisitions for troops much less formal from the Governors of other States, and unaware of the fact that our militia was encamped under the shadow of the arsenal buildings and had good reasons to draw from their stores, the Secretary of War replied (July 27, p. m.) as follows: "I am directed by the President to say that, in the absence of a call upon him under the constitution and statute for military aid in suppressing domestic violence, the federal troops at Indianapolis can only be used in protecting property of the United States and enforcing process of federal courts."

It seems not to have occurred to the honorable Secretary that the arsenal was understood to be a depot of military stores, and not a garrison of men. Late in the night of that day, a lieutenant colonel of the United States army called upon me, saying: "I have been ordered to this city with two hundred men to assist the



civil authorities in preserving the peace and protecting property. I have the honor to report to you my arrival and to ask if you have any instructions for me." Having made no requisition for troops, and having even been advised that my requisition for ordnance stores would not be complied with, I could then only reply to that effect. On the 28th, I was enabled to inform the sheriff of Marion county that an adequate force had been organized in his county, and would be placed at his disposal, upon his making formal requisition to the Adjutant General.

Disturbances of a similar character arose in other localities, notably in Allen county, and like preparation was made. These preparations in aid of local authorities and the counsel of prudent citizens, made the use of the force unnecessary and it was disbanded. The expenditures were so carefully managed, that while the outlay of other States reached many thousands of dollars, our own were easily met by the limited appropriation for Military Contingent Expenses. Details will be communicated as required by law.

I take occasion again to express my obligations to the citizens who promptly took up arms in support of the civil authorities, and especially to those wise counselors who were able by their coolness and reason to dissuade an extensive organization of determined men from rash purposes and overcome the clamor of passionate men for vindictive measures. It is a source of great satisfaction to our citizens that we passed through an ordeal involving to other communities, and threatening to us, the most serious consequences, without the loss of a life and with a small expenditure of the public funds. I am moved to so particular a statement of these occurrences now long past, first, because prominent gentlemen on the floor of Congress, and in carefully prepared addresses to our people, have manifested a disposition to distort their simple truth and, second, in order that you may provide in advance for such a possible emergency hereafter.

Other disturbances growing out of our unsettled labor question, occurred in the mining region of Fountain county, with deplorable results. A want of due carefulness in the local authorities, resulted in the issuance and charge to that county of arms which were received from it upon approved bond by persons unworthy of membership in a company of the militia. It became the duty of the State authorities to review these proceedings and secure a return of the arms to the State and a disbandment of the company. This delicate duty was satisfactorily discharged by the Adjutant General, whose report will more fully disclose its nature. At the request

of the Judge of the Fountain Circuit Court, troops were sent to and maintained in the county, for some weeks, to protect the lives and property of citizens, insure peace, and secure a prompt administration of justice to offenders. The expenses of this call were met as before.

The Quarter-master General accounts for the military stores received, issued, and now held by him. The state yet has a credit of \$7,295.08 upon her account with the general government, under the act for a distribution of arms to the States.

By my order, an experienced officer was detailed by the Adjutant General to inspect the arms belonging to the State. As this duty had not been performed for many years, it will be of interest to learn the exact quantity and condition of our munitions of war, as disclosed by his report.

It is proper that I should say to you that companies have been called out and kept in camp several days, and many of the members, who were laboring men, thereby lost their situations. Under section 33 of the law, they could receive only the small pay allowed to soldiers of the United States army, and the funds at my disposal would not admit of an additional allowance as bounty. I recommend an appropriation to pay them a reasonable compensation for their services.

#### THE BENEVOLENT INSTITUTIONS.

The Constitution makes it the duty of the General Assembly to provide by law for the support of institutions for the education of the deaf and dumb and of the blind, and also for the treatment of the insane. At the date of its adoption, an institution had been provided for each of these classes, all having been founded about thirty years ago.

From an attendance in 1848 of 92, and an annual expenditure of \$11,765.83, the attendance of the Institution for the Deaf and Dumb has increased to 328, and the expenditure to \$62,994.99. Twelve hundred and seven pupils have received instruction. The course of study has been enlarged and improved to correspond to the progress in the common school education guaranteed to our children who have the use of their faculties.

A table, showing the comparative attendance and expenses of the institution since 1853, is given by the trustees, in their report. More than one hundred children having claim to an education can not be received, because of a lack of accommodations for

them. You will be asked to provide for the construction of an addition to the present building.

The average attendance of pupils in the Institute for the Education of the Blind, during the year, was 108. Five hundred and ninety-eight pupils have received instruction since the opening of the institute, in 1847. The expenditures for the fiscal year were in the sum of \$31,404.96, being \$259.20 per annum for each pupil. The estimate for the ensuing two years is made upon an anticipated attendance of 120 pupils, at \$230 each per annum. Additional accommodations are asked.

Since November 1, 1848, the Hospital for the Insane has received and treated 7,648 patients. During the past year, 470 were admitted and the same number discharged, leaving 614 remaining at the close of the year, as at the beginning. The expenditure was in the sum of \$132,129.67.

To provide for the large number of insane who need treatment, and several hundred who have been pronounced incurable and in need of the care and protection afforded by a State institution planned and constructed for the purpose, a new building, to be called the Department for Women, was authorized by an act approved March 11, 1875. Six hundred thousand dollars has been appropriated, and nearly all of that amount expended. You will be asked to inspect the work done, and provide means for completing and furnishing the building for immediate use.

Since the transfer of the soldiers from the Soldiers' Home, at Knightstown, to the National Home, at Dayton, the institution has been devoted to the orphans of deceased soldiers and seamen. The building was destroyed by fire on the night of September 9, 1877. The trustees used the money received upon policies of insurance for the construction of a building much more suitable for the purpose than was the former, and applied an unexpended balance of the year's appropriation towards the payment of the additional expense, making \$41,238.32 in all. You will be asked to reimburse the officers and teachers and other inmates, for their losses of clothing and other effects by fire.

All superintendents, officers and employes engaged in any of the benevolent institutions of the State, who are boarding or lodging in the institutions, should receive much less salaries than those who board and lodge themselves, and the superintendent or officer, who has a family boarding in the institution, should be required to pay board for any and all, except himself and wife, unless employed as assistants.



## EDUCATION.

Our educational interests have been under the careful supervision of an officer possessing the confidence of the people. His biennial report will give you, in a comprehensive form, a history of the recent progress and present condition of our common school system, and, also, of the institutions of a higher grade, which have been the outgrowths of it.

The reports of the trustees of Indiana University, Purdue University and the State Normal School will disclose the fact that the higher education afforded by the State, is given at an expense far beyond that of other institutions sustained by private contributions, and in excess of a just economy. The pupils who attend the Normal School do so to qualify themselves as teachers, the better to make a living thereafter.

I am unable to see any good reason why they should not pay a reasonable tuition fee, thereby making the support of the school much less burdensome to the tax-payers, many of whom receive no direct benefit from it. The same rule could properly be applied to the two universities.

The law authorizing each county to send two students, free of charge, to each of the universities, should be repealed, and all students should be required alike to pay a reasonable tuition fee.

Our school fund is now reported in the sum of nine million dollars, which, perhaps, equals that of any other State in the union. It is constituted of the State's indebtedness (nearly four millions), the common school fund held by the counties (about two and one-half millions), and the congressional township school fund, (also about two and one-half millions,) each part requiring peculiar care in its management.

I trust that it will be your pleasure to so administer this magnificent endowment as to produce the largest results in the interest of the rising generation.

## THE STATE BOARD OF AGRICULTURE.

Your attention is called to the financial report of the officers of the State Board of Agriculture. The Board owns thirty-six acres of land upon which their improvements are situated, and two acres east of the grounds, in all thirty-eight acres, upon which there is a mortgage of sixty thousand dollars drawing eight per cent. interest. Fifteen thousand three hundred dollars is due the



guarantors of the exposition fund. The State advanced twenty-five thousand dollars two years ago. It is for you to consider whether the State should pay seventy-five thousand dollars more and take the property, or lose the amount so advanced. Although the last was a very successful fair, the net earnings would not pay the interest on the indebtedness. I trust you will give this subject a careful consideration.

### HORTICULTURE.

The Horticultural Society has accounted for the small annual bounty of five hundred dollars appropriated for the encouragement of its work. You will be interested in the proceedings of its annual meetings as reported by the Secretary and published by the State.

### CRIME AND ITS PUNISHMENT.

Crime has steadily and rapidly increased. Our old prison for male convicts is greatly overcrowded, and the new has had use for the additional accommodations provided by the last Legislature.

The Female Prison has held more than three times the number transferred to it when it was opened in 1873. As required by the act of March 3, 1877, the Board of Managers was re-organized as thereby constituted, Mrs. Emily A. Roache, Mrs. Rhoda M. Coffin and Mrs. Eliza C. Hendricks receiving commissions for their respective terms, and assuming the duties imposed upon them by law. Assisted by Mrs. Smith, the Superintendent, and others, they have, as shown by their two reports, trained the inmates of the institution to habits of industry, practiced a rigid economy in every department and kept their expenditures within the appropriations. Some indebtedness for the enclosure of the grounds should be provided for. The Managers have had much trouble and annoyance because of bad sewerage. I recommend an appropriation of four thousand dollars to secure a permanent and reliable system in its stead, that being the amount of the estimate prepared.

The Prison North had at the beginning of the last year 646 and at its close 605 convicts; 295 having been received, 340 released, and the average being 619. The disbursements were \$75,295.73, being \$868.06 in excess of the earnings. This excess is explained by the additional accommodations provided for an expected increase in the number committed to the prison. The new cell-house and work-shop authorized by the last Legislature, were completed and

a main sewer also built, leaving a balance of \$19,666.03 of the \$80,000 appropriated. This amount, the directors think, could well be devoted to the construction of a new dwelling house for the Warden, some cells for the insane convicts and a solitary for disciplinary purposes. Additional shop-room is asked. It is urged that the district of the prison be enlarged by the addition of one tier of counties next south of the line of demarcation, and that the good time of convicts be increased to twice that now allowed. In the education of the convicts required by law, the Moral Instructor finds great necessity for proper text books, and asks that they and books for general reading that will inculcate correct sentiments be provided. The salary of the physician is regarded by the officers as quite too small for the services expected, and they ask that it be increased to the proper amount.

The Prison South had, at the beginning of the last year, 590 convicts, received 335, making 925 in all, and released 299, leaving 626 remaining at the close. The daily average during the year was 626. Since its establishment in 1822, it has received 6,526 convicts and released 5,900. More than two-thirds of those remaining are unmarried men. Less than one-third are over thirty years of age. Forty-four are sentenced for life. The expense of maintenance per man, was \$29.03 which was the lowest in ten years, being less than one-half the expenditure five years before. The total cost for the year was \$72,733.19, being \$28,539.53 in excess of the earnings. The report of the directors is a careful review of the condition of the prison and the present needs of the inmates. But a little over one-half the convicts have been leased. The State receives forty-five cents per man. It is supposed that the employment of four-fifths of the convicts would make the institution self-sustaining. The diverse, but well-expressed, views of the directors and warden as to the best means of discipline, will demand your careful study. A better "good time" law is recommended by the directors. Because of the great increase in his labors, they are of opinion that the physician should receive a salary sufficient to justify him giving his whole attention to the prison sick. Better provision for the mental and moral instruction of the prisoners is asked. It is especially urged that opportunity be given for evening reading and study, by the supply of a light in each cell. The directors think the deprivation of light is an inhuman hardship which the General Assembly can not afford to longer disregard. Provision is asked for the insane, numbering about fourteen. The

prison has but one-half enough cells. More than three hundred have had to be kept in the chapel and other rooms, at greatly increased expense. A new cell-house must be provided, or the surplus convicts transferred to the Prison North.

It will be for you to determine what course will best provide for this great increase of convicts, and impose the least burden upon good citizens who must meet the expense of their safe-keeping within prison walls.

It is enjoined in the constitution "that the General Assembly shall provide houses of refuge for the correction and reformation of juvenile offenders."

An institution for boys was established at Plainfield, in 1867, and has been in operation eleven years. One thousand one hundred and twenty-eight boys have been admitted during that time. All can not be classed as offenders. Many have been committed for a reformation of their character, that they may be prevented from violating the laws. At the close of the last year 145 had been admitted, and 383 remained, that being the greatest number in the institution at any one time.

The Board of Commissioners have reduced the expenditures greatly below the amount appropriated, leaving the surplus in the treasury. Their estimates for subsequent years appear in a reduced form. They have added to the accommodations and reformatory influences of the institution, and report it in good condition.

Like provision for controlling the criminal inclinations of girls has been made in the Reformatory Department connected with the Female Prison. Two hundred and ninety-six have been received since 1873.

#### THE STATE LIBRARY

was removed to the building rented for its accommodation, and has, by exchanges and purchases, received the usual additions to its shelves. The librarian and his lady assistant have filled with credit their respective positions, as their careful preparations for your meeting will convince you.

Hon. Horace P. Biddle, of our Supreme Court, who has devoted his life to general literature, as well as to that of his profession, has expressed to me a "desire to dispose of" his "library to the State of Indiana, to be kept as a part of the State Library. It contains about six thousand volumes, collected at a cost of over ten thousand dollars, and is the gradual accumulation of fifty years." He



proposes to sell the entire library to the State for a nominal sum," retaining its possession and use during his life and providing for its delivery "by contract upon a consideration reaching each volume rather than by donation that" he "may know the books will ultimately reach their destination."

Recognizing the necessity for legislative action authorizing the librarian to make such a contract, he holds himself in readiness at any convenient time to adjust the details.

### NEW STATE HOUSE.

The last General Assembly, by an act approved March 14, 1877, authorized and provided for the erection of a new State House and for matters incident thereto. I appointed General Thomas A. Morris and General John Love, of Marion county, W. R. McKeen, Esq., of Vigo county, and Hon. I. D. G. Nelson, of Allen county, as prominent representatives of "the two political parties of the State," who should, together with myself, "constitute the Board of State House Commissioners." They at once qualified, and each gave the required bond and entered upon the discharge of his duties. Mr. McKeen, on account of private business, found it necessary, in January last, to tender his resignation, which was reluctantly accepted. I immediately appointed Hon. John Collett, of Vermilion county, as his successor. He accepted the office, qualified and gave bond, and still serves as a member of the Board which is otherwise unchanged. The Commissioners have pushed forward the work as fast as the means at their command would warrant. In addition to the quarterly reports made, as required "for the use of the public" and containing "a synopsis of their proceedings and an account of their expenditures," I requested that they make their report for the last quarter so comprehensive as to include the documents and proceedings which are, in their opinion, important for your information. Such a detailed statement has been prepared and is herewith submitted for your careful examination. The tax levy was for the year 1877 one cent and for 1878 two cents on the one hundred dollars. At the close of the year ending October 31, 1878, the proceeds of the tax had reached \$42,023.56, most of which had been expended upon orders of the Board. The proceeds of the current levy will, perhaps, not greatly exceed one hundred and fifty thousand dollars, which is not as much as ought to be and could be, profitably expended during the year.



The constitution provides that "no law shall authorize any debt to be contracted on behalf of the State, except in the following cases: to meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for the public defense. Our existing indebtedness has been justified in part, by each of these provisions. Our heaviest interest charge (exceeding one-fourth of a million dollars per annum,) is upon an indebtedness to the common school fund, caused by the use of its moneys for general expenses. In the absence of any provision for its payment, we may assume it to be the settled policy of the State to make the loan perpetual. If so, you can safely provide for a special annual levy of say five cents on the one hundred dollars to pay the interest upon our indebtedness and to gradually discharge the other claims growing out of a negligent administration of the school revenues in former years.

The Temporary Loan largely represents the old indebtedness incurred by our system of internal improvements before the adoption of our present constitution and reasonably included with our "State debt" referred to therein. Having made special provision for these extraordinary demands by authorized loans and separate taxation, the revenues of the General Fund at a greatly reduced rate, say seven cents, will be found adequate to meet the ordinary expenses of an economical administration of the State government and increase the means for the rapid prosecution of this work. The appropriation of a sum sufficient for the immediate completion and furnishing of the structure while the times are so favorable to cheapness would, perhaps, create such "a casual deficit" as would justify a loan. In my opinion, the advantages resulting from a speedy completion of the enterprise which we have begun would greatly overbalance the interest to be paid until our taxpayers shall have gained relief from their present heavy burden of local taxes. I recommend that you do, at least, continue the present levy "of two cents upon each one hundred dollars worth of taxable property in the State" for the "New State House Fund" in addition to any appropriation you may see cause to make from the "General Fund."

UNITED STATES SENATOR.

Hon. Oliver P. Morton, our senior Senator in Congress, died at his home in this city, November 1, 1877, worn out by a life of un-

usual activity in the public service. Thousands of our fellow citizens and many visitors from other States followed each other in solemn procession through the corridor of the building in which you are now met, viewing for the last time his familiar face as he lay in state, and afterwards accompanying his mortal remains to their resting place in Crown Hill Cemetery, near where he made his last public address to the people. Having filled a prominent place in the affairs of our State and country, his public life is familiar to the present generation, and his acts have become a part of our history for the study of those who will come after us.

I appointed Hon. Daniel W. Voorhees to fill the office made vacant by his death. It will be your duty to elect a successor.

#### REPRESENTATION IN CONGRESS AND THE GENERAL ASSEMBLY.

My views upon the question of a re-apportionment of the State for congressional and legislative purposes have been frequently expressed, and were communicated at length to the last General Assembly. The districts for the election of members of congress are manifestly irregular in form, and their population is out of due proportion to each other. The requirement that a senatorial or representative district, where constituted of more than one county, shall be composed of contiguous counties was literally fulfilled; but its spirit was grievously violated in essential features. Some of you have been elected by a voting population much less than the average, while others have a constituency greatly in excess. I recommend the enactment of a just law in each case, and such I will gladly approve. The Auditor of State reports the enumeration necessary for your information in making the apportionments.

#### OUR COUNTY SYSTEM.

While many of the older States were established upon the "town system," our own has grown up on the basis of "the county system," more suitable to the habits of our western people. The enabling act of April 19, 1816, recognized the thirteen existing counties and they were represented in the convention forming our Constitution. Ninety-two such subdivisions of our territory now exist, each for itself administering important local affairs at great expense to the people. Our board of county commissioners is in legal contemplation the county and as such is declared to be a body

corporate and politic, and entrusted with large "powers of a local administrative character." Prohibited from passing local or special laws regulating county and township business, the election of county and township officers and their compensation, the General Assembly has for many years tried in vain to reduce the county business to a simple, economical and uniform system. I wish you better success. Recently a commission of experienced gentlemen appointed by Marion county has given the subject careful study and reduced the results to a form suitable for your consideration.

Our laws fixing the compensation of officers were enacted when times were flush, when the necessities of life were high and when labor received better compensation and was in greater demand than now. Therefore, I recommend a reduction of all fees and salaries in accordance with the times.

Our cities and towns should be reduced to a proper subordination to the counties of which they severally constitute parts. They are now almost independent of State supervision, and involve their citizens in needless expenses. The assessment and collection of their revenues alone by one set of officers in a county would result in a great saving, and is recommended.

#### EXPERT EVIDENCE.

The statutes say that witnesses subpœnaed to testify in the county where they reside shall not be entitled to demand and receive their fees in advance. I see that some gentlemen who had been subpœnaed to testify as expert witnesses in an important criminal trial in progress in this county recently refused to testify unless fees were paid in advance.

I can not see any good reason why one class of citizens shall be compelled to attend and testify, under a penalty of fine and imprisonment, and another class embarrass the proceedings of a court because the party wanting their evidence is unable to pay them fees in advance.

I recommend that you remedy this growing evil; for, if you have the right to pay or excuse one class, you have the right to pay or excuse all others, in the same manner.

#### OUR JUDICIAL SYSTEM

needs your careful consideration, and wise legislation. Too much of the time of our circuit courts is occupied with suits brought for



small sums, especially by administrators, the costs of which equal the amount recovered.

I recommend that you remedy this evil, and suggest the propriety of enlarging the jurisdiction of Justices of the Peace, so as to relieve the circuit courts of a great deal of business of a frivolous nature involving no unsettled questions of law or practice. At the same time you could, perhaps, relieve the supreme court in a great measure by a further limitation of its jurisdiction, and making judgments of certain classes final, without appeal therefrom. A speedy and economical administration of justice is demanded by the times.

#### LAWS AND JOURNALS.

Unnecessary delay has occurred for many years in publishing and circulating the laws and thereby putting them in force and in printing and distributing the journals. I respectfully suggest that you provide for the printing of the journals at the close of each day's proceedings, that they may be carefully inspected and corrected the next morning by the members, thus securing accuracy, promptness and a great saving in the work and expense, and keeping yourselves and the people advised of the progress of your business. The acts should be printed in the order of their enactment and, the financial statements being ready and appended, they could be given to the people at an early day after your adjournment. The Secretary of State makes some further recommendations which should receive your consideration.

#### THE STATE FINANCES.

The reports of the treasury department are full and complete. The last legislature reduced the State tax from thirteen to twelve cents on the one hundred dollars. The proceeds of that levy, with delinquent taxes, docket fees and taxes otherwise collected, and amounts reimbursed by counties and received from prison contractors have been sufficient to defray the expenses of the several departments and institutions in whose favor appropriations were made. I trust the same amount will be sufficient to pay the expenses for the next two years. It is not the State taxes, but the county and township taxes and fees of officers that oppress the people. They are double and in many instances, three times that of the State.



The general fund had and received during the last year.....	\$1,860,777 61
And disbursed.....	1,497,356 20
Leaving, October 31, 1878,.....	\$363,421 41

The receipts and disbursements each include the two hundred thousand dollars of temporary loan, falling due April 1 and renewed.

The treasury statement for the month ending December 31, 1878, shows the balance, at that date, of "General Fund" in the sum of \$636,321.78.

The public debt was, at the close of the fiscal year, \$4,998,-178.34, having been reduced in the sum of \$4,360. Of this \$1,093,395.12 is "foreign," and \$3,904,783.22 "domestic," being evidenced by five non-negotiable bonds held by the school fund.

The total value of the taxable property was, in 1877	\$855,190,125
In 1878.....	850,616,987
The total number of taxable polls was, in 1877.....	297,931
In 1878.....	300,000

Having, through your committees, gained information as to the correctness of the Auditor's detailed estimates of the expenditures to be defrayed from the treasury for the ensuing two years, and the resources of a miscellaneous nature, it should be the work of but a few days to prepare and pass bills for appropriation laws, and for a law fixing the rate of taxation, and for renewing temporary loans.

I sincerely hope that, realizing the limited term for which you are convened, you may be able, at an early day, to consider the matters communicated to you, and that your most important business may not be delayed until the confusion incident to the closing hours of the session shall involve you in errors which you will afterwards regret.

The Joint Convention then adjourned without day.

The House resumed its session.

Mr. Tulley offered the following resolution :

*Resolved*, That the message of His Excellency be referred to the committee of the whole House, and made the special order for Monday next at two o'clock, P. M.

Which resolution was adopted.

Mr. Gordon offered the following resolution :

*Resolved*, That two hundred copies of the message of His Excellency, the Governor, together with an equal number of the farewell address of George Washington to the people of the United States, be printed in pamphlet form for the use of the members of this House, and that two copies of the same be laid upon the desk of each member.

Mr. Tulley moved to amend by striking out two hundred and inserting two thousand copies—fifteen hundred to be in English, and five hundred in German.

The question being on the adoption of the amendment, it was not agreed to.

Mr. Lehman moved to amend by striking out so much of the resolution as relates to the printing of Washington's farewell address

Mr. Gordon moved that the amendment do lie on the table.

Mr. Lehman moved that the House do now adjourn.

The ayes and noes were demanded by Messrs. Gordon and Campbell.

Those who voted in the affirmative were: Messrs. Allen, Briggs, Bryant, Caldwell, Compton, Cunningham, Drake, Drover, Flodder, Ginz, Hart, Hosmer, Huthsteiner, Lehman, Osborn of Vermillion, Saint, Scholl, Schweitzer, Schutt, Vanpelt, Willard and Wimmer—22.

Those who voted in the negative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Confer, Connoway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Edwins, English, Fancher, Faulkner, Garrouette, Golden, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Owen, Perry, Reed, Reichelderfer, Robeson, Rodman, Robinson, Rooker, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Taylor of Lagrange, Thayer, Thompson, Thornburg, Tulley, Vawter, Watson, Works and Mr. Speaker—68.

The motion to adjourn was not agreed to.

The question recurring on the motion that the amendment do lie upon the table, the ayes and noes were demanded by Messrs. Gordon and Watson.

Those who voted in the affirmative were: Messrs. Arnold, Bearss,

Brown of Steuben, Campbell, Carey, Connoway, Connor, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Kirkpatrick, Lindley, Owen, Reed, Reichelderfer, Robeson, Robinson, Shanks, Skinner, Snoddy, Stevens, Thayer, Thornburg, Vawter and Willard—29.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Copeland, Cuhningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Lehman, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Watson, Wimmer, Works and Mr. Speaker—60.

The motion to lie on the table was not agreed to.

The question recurring on the adoption of the amendment, it was agreed to.

Mr. Willard moved to amend by striking out two hundred and insert one thousand in English and five hundred in German.

Pending the question on the amendment of Mr. Willard, on motion of Mr. Faulkner, the House adjourned until Monday afternoon January 13, at two o'clock P. M.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## MONDAY AFTERNOON.

JANUARY 13, 1879.

The House met at two o'clock, P. M., with the Speaker in the chair.

Prayer was offered by Rev. J. H. Bayliss, of Indianapolis.

The Journal of the proceedings of Friday, the 10th instant, having been partially read, on motion of Mr. Shutt, its further reading was dispensed with.

The Speaker announced that the unfinished business of Friday, was in order, it being the consideration of the resolution of Mr.

Gordon; the question being upon the adoption of the amendment thereto offered by Mr. Willard.

Mr. Willard offered the following resolution as a substitute of the resolution of the gentleman from Marion:

*Resolved*, That there shall be printed for the use of this House three thousand copies of the message of the Governor delivered January 10th, 1879, two thousand to be in English, and one thousand in German, and that said copies shall be distributed proportionally to the members of this House of Representatives.

Mr. Willard demanded the previous question.

Upon that the ayes and noes were demanded by Messrs. Gordon and March.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Schull, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard and Mr. Speaker—54.

Those who voted in the negative were: Messrs. Arnold of Wabash, Bearss, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelley, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robeson, Rodman, Robinson, Shanks, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Works—38.

So the previous question was seconded.

The question recurring on the adoption of the substitute, the ayes and noes were demanded by Messrs. Gordon and Herod.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Reichelderfer, Rooker,



Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Works and Mr. Speaker—57.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden and Harland—10.

The substitute was agreed to.

The question recurring on the final adoption of the substitute Messrs. Overmyer and Gordon demanded the ayes and noes.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnson, Kelly, Lehman, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard and Mr. Speaker—59.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Steuben, Carey, Connaway, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Johnson, Kelly, Kirkpatrick, Lindley, Major, March, Overmyer, Owen, Robeson, Rodman, Robinson, Shanks, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Works—34.

The resolution was adopted.

Mr. Humphreys, from the select committee on rules, made the following report:

MR. SPEAKER:

Your committee to whom was referred the subject of rules and order of business for the government of the House, have had the same under consideration and have directed me to report, and recommend for adoption of the standing rules and orders adopted and used by the House of Representatives of the Fiftieth General Assembly of the State of Indiana, with the following amendments and additions thereto, namely:

Amend rule 6 of the last named House of Representatives by adding the following clause thereto, to-wit: Nor shall any motion

to adjourn, postpone, or otherwise to change the question on which the ayes and noes are being taken, be in order until the call thereof is completed and the result announced by the Speaker.

Amend the 13th rule of said last named House by striking out the verb "to be" immediately after "wherever," in the last clause of said rule, so that said clause when amended will read as follows, to-wit: "Or may be sent for and taken into custody wherever found by the Sergeant-at-arms or other officer or messenger appointed for that purpose."

Amend rule 15 of the said last mentioned House so as to read as follows, to-wit: "15. Every resolution offered in the House shall be written upon not less than a full sheet of paper of the same size as ordinary journal paper, and shall be signed by the member who offers it."

Amend the 20th rule of said last named House so as to read as follows, to-wit: "20. A motion to adjourn and a motion to fix the time to which the House shall adjourn, shall be always in order, except as otherwise provided by rule 6; and these motions and the motion to lie on the table shall be decided without debate."

Amend rule 25 by adding to the first clause of the second sentence of said rule, immediately after the word "commenced," the following clause, to-wit: "And no call of the ayes and noes shall be entertained on a motion to excuse a member from voting;" and by striking out "and," the first word of the clause next after the said last amendment aforesaid, and inserting "but" in place thereof.

Amend rule 38 so as to read as follows, to-wit: 38. The following standing committees, which shall severally consist of seven members, except the committee on apportionment, which shall be composed of one member from each congressional district, and except that the Speaker may, in his discretion, increase the committee on judiciary to the number of eleven, and said committee shall be appointed at the commencement of each session in the following order, namely :

1. On elections.
2. On ways and means, and so on to the end as they now stand in the rules hereby amended, and adding thereto.
35. On mines and mining.
36. On apportionment.

Amend rule 50, by striking out the word "the," before the words "public affairs," in the second line thereof.

Amend rule 65 by striking out "they," in the first line thereof, and inserting in lieu thereof, "it."

Amend rule 66, by adding thereto the following exception, viz: "Except that he shall not have a right to vote in said committee, unless he be a regular member thereof."

Amend, by adding immediately after rule 29, the following rule, to-wit:

30. The member who introduces a bill shall have a right to fifteen minutes of time to close the debate upon it at any stage of its progress after the first reading. The right secured by this rule shall not be impaired, even after a demand for the previous question, but shall at all times remain in full force.

And by changing all the numbers of said rules thereafter following to the last, which shall be number 73.

Your committee beg leave to report further, that they have considered the amendment offered by the member from Johnson, and regard the adoption thereof as inexpedient, and therefore recommend that the same be laid on the table.

And having fully performed the duty assigned them, your committee respectfully ask to be discharged from the further consideration thereof.

HUMPHREYS, Chairman.

The report of the committee was concurred in, except the amendment reported to rule 15, which was not concurred in.

Mr. Willard moved that the special order be taken up, it being the consideration of the Governor's message, in committee of the whole.

Which motion was agreed to, and the House went into committee of the whole, with Mr. Willard in the chair.

The committee, after proceeding to consider the subject, arose and reported progress and asked leave to sit again.

Which report was concurred in.

Mr. Lehman presented the following:

*Resolved*, That two hundred copies of the rules and joint rules, as adopted, together with the committees, as appointed by the Speaker, and also the constitution of the State, be printed and a copy thereof placed upon the desk of each member.

Which was adopted.

Mr. Herod, from the select committee to select chaplains, reported as follows:

*To the House of Representatives:*

Your committee, instructed to arrange with ministers of the Gospel to open each day's deliberations of the House with prayer, beg leave to report that they have perfected an arrangement with the president of the Young Men's Christian Association, of this city, by which a minister will perform such service each morning during the present session. The duty devolved upon your committee having been performed, they asked to be discharged.

W. W. HEROD,  
S. M. EDWINS,  
JNO. C. BRIGGS.

Which report was concurred in and committee discharged.

House Bill No. 47. Introduced by Mr. Dailey, entitled, "A bill to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others; prescribing the powers and duties of county boards and other officers in the premises; to provide for the repairs of such drains, and repealing all laws inconsistent therewith, and declaring an emergency."

Read the first time.

The Speaker announced the following committees:

1. *On Elections*—Messrs. Lehman, Humphreys, Dailey, Caldwell, Gordon, Campbell and Carter.
2. *On Ways and Means*—Messrs. Humphreys, Willard, Osborn of Elkhart, Caldwell, March, Gordon and Overmyer.
3. *On Judiciary*—Messrs. Osborn of Elkhart, Shanks, Thompson, Works, Miers, Taylor of Daviess, Gordon, Saint, Compton, Sleeth and March.
4. *On Organization of Courts of Justice*—Messrs. Briggs, Taylor of Warrick, Dailey, Nave, March, Herod and Overmyer.
5. *On Banks*—Messrs. Kester, Shutt, Reichelderfer, Copeland, Arnold of Wabash, Schweitzer and Osborn of Vermillion.
6. *On Education*—Messrs. Miers, Van Valzah, Cunningham, Baker, Fancher, Reed and Hopkins.
7. *On Affairs of the Prisons*—Messrs. Tulley, Edwins, Taylor of Daviess, Caldwell, Messick, Thornburg and Copeland.
8. *On Swamp Lands*—Messrs. Confer, Perry, Robeson, Barker, Brown of Jasper, Davis and Skinner.



9. *On Military Affairs*—Messrs. Reichelderfer, Edwins, Messick, Works, Vanpelt, Van Valzah and Shanks.
10. *On Claims*—Messrs. Shutt, Allen, Nave, Carey, Handy, Donnell and Wimmer.
11. *On Trust Funds*—Messrs. Flodder, Shauck, Blockley, Drover, Golden, Arnold of Grant and Connaway.
12. *On Fees and Salaries*—Messrs. Willard, Miers, Hosmer, Ginz, Rodman, Robeson and Thayer.
13. *On Sinking Fund*—Messrs. Dailey, Hosmer, Alden, Bearss, Galbraith, Brown of Steuben and Hess.
14. *On Rights and Privileges of the Inhabitants of the State*—Messrs. Edwins, Drake, Carter, Hubbard, Thompson, Stevens and Taylor of Lagrange.
15. *On Railroads*—Messrs. Van Valzah, Compton, Robinson, Dalton, Overmyer, Thayer and Hosmer.
16. *On Manufactures and Commerce*—Messrs. Schweitzer, Huthsteiner, Alden, Barker, Owen, Rodman and Vawter.
17. *On County and Township Business*—Messrs. Baker, Huthsteiner, Garrouette, Stucker, Harland, Watson and Owen.
18. *On Agriculture*—Messrs. Davidson, Connor, Ginz, Reed, Blockley, Handy and Johnson.
19. *On Benevolent Institutions*—Messrs. Thompson, Scholl, Davidson, Briggs, Herod, Kirkpatrick and Sleeth.
20. *On Temperance*—Messrs. Faulkner, Shields, Lindley, Vanpelt, Arnold of Grant, Shauck and Hubbard.
21. *On Mileage and Accounts*—Messrs. Handy, Hart, Snoddy, Bryant, Rooker, Compton and Kelly.
22. *On Corporations*—Messrs. Taylor of Daviess, Van Valzah, Thompson, Allen, Hess, Robeson and Harland.
23. *On Canals*—Messrs. Flodder, Drover, Hart, Galbraith, Robeson, Arnold of Wabash and Campbell.
24. *On Public Expenditures*—Messrs. Shields, Shutt, Ginz, Hart, Wimmer, Carey and Donnell.
25. *On Federal Relations*—Messrs. Taylor of Warriek, Cunningham, Mitchell, Shauck, Connor, Davis and Snoddy.

26. *On Affairs of the City of Indianapolis*—Messrs. English, Edwins, Vanpelt, Allen, Robinson, Lindley and Stevens.

27. *On Engrossed Bills*—Messrs. Scholl, Nave, Confer, Tulley, Fancher, Vawter and Thornburg.

28. *On Cities and Towns*—Messrs. Allen, Baker, Lehman, Golden, Galbraith, Herod and Hopkins.

29. *On Roads*—Messrs. Stucker, Faulkner, Blockley, Handy, Rooker, Skinner and Arnold of Wabash.

30. *On Statistics and Emigration*—Messrs. Bryant, Scholl, Connor, Confer, Drake, Taylor of Lagrange and Vawter.

31. *On Printing*—Messrs. Garrouette, Reichelderfer, Davidson, Schweitzer, Carter, Connaway and Snoddy.

32. *On Insurance Companies*—Messrs. Huthsteiner, Dalton, Faulkner, Osborn of Elkhart, Herod and Thayer.

33. *On Reformatory Institutions*—Messrs. Saint, Davidson, Shauck, Perry, Osborn of Vermillion, Brown of Steuben, and Copeland.

34. *On Drains and Dykes*—Messrs. Barker, Schweitzer, Ginz, Rooker, Lindley, Brown of Jasper, and Fancher.

35. *On Mines and Mining*—Messrs. Compton, Huthsteiner, Messick, Nave, Taylor of Daviess, Robinson and Kelly.

36. *On Apportionment and Redistricting the State for Senatorial and Representative purposes in the General Assembly, and Redistricting the State for Congressional purposes*—Messrs. Caldwell, Davidson, Taylor of Daviess, Mitchell, Drake, Watson, March, Kelly, Brown of Jasper, Kirkpatrick, Shanks, Osborn of Elkhart, and English.

#### JOINT STANDING COMMITTEES ON PART OF THE HOUSE OF REPRESENTATIVES.

1. *On Public Library*—Messrs. Brown of Jasper, English and Dalton.

2. *On Public Buildings*—Messrs. Dalton, Compton and Herod.

3. *On Canal Fund*—Messrs. Drake, Kester and Bearss.

4. *On Enrolled Bills*—Messrs. Works, Overmyer, Dalton and Cunningham.

Mr. Willard presented the following protest :

James H. Willard, Representative from Floyd, respectfully pro-

tests against his assignment to the chairmanship of the committee on fees and salaries as a violation of established parliamentary usages, and respectfully requests that this protest be entered on the Journal of the House of Representatives.

JAMES H. WILLARD.

House Bill No. 48. Introduced by Mr. Dailey, entitled "A bill fixing the time at which actions shall stand for trial in the circuit courts of this State, and repealing all laws in conflict herewith, and declaring an emergency."

Read the first time.

House Bill No. 49. Introduced by Mr. Dailey, entitled "An act to amend section 1 of an act entitled an act to provide for township elections, and repealing all laws inconsistent therewith, approved March 3, 1877."

Read the first time.

House Bill No. 50. Introduced by Mr. Compton, entitled "A bill declaring agreements to pay attorney fees contained in any bill of exchange, acceptance, draft, promissory note or other written evidence of indebtedness, usurious, illegal and void, and declaring an emergency."

Read the first time.

House Bill No. 51. Introduced by Mr. Stucker, entitled "An act to abolish the office of county superintendent of schools, and to provide for the appointment of county school examiners, in lieu thereof, and to define their duties and fix their compensation; to repeal section 39 of the general act as to common schools, approved March 6, 1865, and sections 6 and 7 of a supplemental act, approved March 8, 1873; and also amendatory of an act approved March 9, 1875, of sections 1, 2 and 3 of said act, and to require, in additional sections, the county school superintendent to surrender to his successor, as provided in this act, all books, papers, etc., in his possession; to prescribe the duties and fix the compensation of the county school examiners, and to repeal all laws in conflict with this act, and declaring an emergency."

Read the first time.

House Bill No. 52. Introduced by Mr. Stucker, entitled "An act to amend section 5 of an act entitled an act in relation to the change of public highways, approved March 11, 1867, and to reduce county expenses."

Read the first time.

House Bill No. 53. Introduced by Mr. Stucker, entitled "An act to amend section 1 of an act, entitled an act defining who shall be competent witnesses in any court or judicial proceedings in the State, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1867."

Read the first time.

Mr. Stucker offered the following:

*Resolved*, That the following named officers of public institutions of the State be and are hereby requested and directed to make to this body, without unnecessary delay, a report, setting forth an itemized statement of all purchases of supplies or other articles for the use of the State, in their respective institutions, and under their official order, with the cost of the same, and date of purchase, and from whom bought, and the receipts and disbursements of their institutions; and also furnish a copy of all contracts on file in their respective offices for supplies, materials, or other articles for future delivery, and also the cost per capita of keeping the inmates, to-wit:

The Superintendent and Trustees of the Institute for the Education of the Blind.

The Superintendent and Trustees of the Institute for the Education of the Deaf and Dumb.

The Superintendent and Trustees of the Soldiers' and Seamans' Orphans' Home.

The Trustees of the State Normal School.

The President and Trustees of the State University.

The Warden and Directors of the State Prison South.

The Warden and Directors of the State Prison North.

The Superintendent and Commissioners of the House of Refuge.

The Managers of the Female Prison and Reformatory.

The Board of State House Commissioners.

The Superintendent and Commissioners for the Hospital for the Insane.

Such reports to be duly signed by all of said officers respectively, and to commence with the first day of January, 1877, and extend to the date of making such said reports.

Which resolution was adopted.

House Joint Resolution No. 1. Introduced by Mr. Stucker, "Instructing our Senators, and requesting our Representatives in Congress to support an act to repeal and modify certain portions of



the navigation and tariff laws; to aid the commerce and carrying trade of the United States, and reduce ocean freights."

Read and referred to the committee on federal relations.

House Bill No. 54. Introduced by Mr. Caldwell, entitled "A bill to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency."

Read the first time.

House Bill No. 55. Introduced by Mr. Caldwell, entitled "An act to legalize certain acts of the board of commissioners of Clinton county in the purchase of certain grounds at sheriff's sale, vesting a sufficient title thereto in the said county, providing for the payment therefor, and other matters properly connected therewith, and declaring an emergency."

Read the first time.

House Bill No. 56. Introduced by Mr. Taylor of Daviess, entitled "An act defining the twelfth, tenth and third judicial circuits of the State of Indiana, and fixing the time for the holding of the courts therein, and declaring an emergency, etc."

Read the first time.

House Bill No. 57. Introduced by Mr. Donnell, entitled "An act to legalize defective sheriff sales."

Read the first time.

House Bill No. 58. Introduced by Mr. March, entitled "A bill to amend an act entitled an act declaring agreements to pay attorney's fees contained in any bill of exchange, acceptance, draft, promissory note or written evidence of indebtedness, illegal and void, and declaring an emergency, approved March 10, 1875."

Read the first time.

House Bill No. 59. Introduced by Mr. March, entitled "A bill providing for appeals from county commissioners in proceedings for the annexation of territory to towns and cities against the will of the owners, and for the trial of the same in the circuit court."

Read the first time.

Mr. Shutt offered the following:

WHEREAS, It has been represented that the force of assistants appointed by the Doorkeeper is insufficient for the duties imposed; owing to the peculiar construction of the room, members in the rear

of the hall are materially disturbed by disorderly conduct in the lobby; therefore

*Be it resolved*, That the Speaker appoint a committee of two members to confer with the Doorkeeper, and if found necessary employ two additional assistants for the purposes named.

Mr. Gordon moved that the resolution do lie on the table.

Which motion was agreed to.

House Bill No. 60. Introduced by Mr. Willard, entitled "An act to incorporate the Orphan's Home Society of the city of New Albany."

Read the first time.

Mr. Willard moved that the papers in the contested case of Drake vs. Bearss be referred to the committee on elections.

Which motion was agreed to.

Mr. Gordon moved that the papers in all the contested election cases be referred to the committee on elections.

Which motion was agreed to.

House Bill No. 61. Introduced by Mr. Connaway, entitled "An act concerning interest on money, and a penalty for usury."

Read the first time.

House Bill No. 62. Introduced by Mr. Davidson, entitled "A bill for an act to amend sections 1 and 2 of an act entitled an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852, and repealing all laws and parts of laws in conflict with said sections as amended."

Read the first time.

House Bill No. 63. Introduced by Mr. Davidson, entitled "A bill for an act to amend section 8 of an act entitled an act in relation to county treasurers, approved June 4, 1852, and repealing all laws or parts of laws in conflict with said section so amended."

Read the first time.

Mr. Mitchell moved that the House do now adjourn.

Which motion was not agreed to.

House Bill No. 64. Introduced by Mr. Davidson, entitled "A bill to provide for the working, repairing and preserving the public highways; providing means for the same; abolishing the office of

supervisor of highways; prescribing the duties of township trustees and other officers, and repealing all laws inconsistent therewith."

Read the first time.

Mr. Caldwell moved that the House do now adjourn.

Which motion was agreed to.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## TUESDAY MORNING.

JANUARY 14, 1879.

The House met pursuant to adjournment, the Speaker in the chair.

The House was opened with prayer by the Rev. T. H. Lynch, of Indianapolis.

The Journal of yesterday was read in part, and, on motion of Mr. Lehman, the further reading thereof was dispensed with.

The Speaker announced the following changes of members on the standing committees:

*On Benevolent Institutions*—Mr. Reed instead of Kirkpatrick.

*On Agriculture*—Mr. Kirkpatrick instead of Reed.

*On Rights and Privileges of the State*—Mr. Carter instead of Shields.

*On Judiciary*—Mr. Compton instead of Briggs.

Mr. Reed moved that the committee on the judiciary be increased to thirteen members.

Which was not agreed to.

Mr. Davidson offered the following preamble and resolution:

WHEREAS, There is a pressing demand for retrenchment and reform in all departments of the State; and

WHEREAS, The present pay of the employes of the House allowed by law is deemed ample and sufficient for services required; therefore,

*Be it resolved*, That no extra allowance be made to any employe

of the House, except it be by an aye and noe vote, and a majority of all the members elected to make such allowances.

Which was adopted.

House Bill No. 65. Introduced by Mr. Carey, entitled "An act to create a State Board of Health for the State of Indiana."

Read the first time.

The following communication was received from the Governor:

SIR: Samuel R. Downey is authorized to make and transmit executive communications to the House of Representatives.

Respectfully,

JAMES D. WILLIAMS, Governor.

To the Speaker of the House of Representatives.

The following communication was received from the Governor.

*To the Speaker of the House of Representatives:*

SIR: During the session of the General Assembly I will be in waiting at this place to receive any communications which the House may desire to make to me, and to confer with its committees or with individual members, except during the morning hours when occupied with business at my rooms in the state building, or unavoidably detained by other engagements.

Respectfully,

JAMES D. WILLIAMS.

The following communication was received from the Auditor of State:

INDIANAPOLIS, JANUARY 10, 1879.

*Hon. Henry S. Cauthorn, Speaker of the House:*

DEAR SIR: This being the year provided for by the constitution for the redistricting of the State of Indiana, and in compliance with an act, approved December 21, 1865, and the supplemental act approved March 5, 1877, I have caused to be provided for the use of the present General Assembly an outline map of the State, showing the relative size, shape and position of each county, and the figures within the outlines of each county, representing the white and colored male inhabitants over the age of twenty-one years, residing within the borders thereof as certified to me by the auditors of the respective counties, I herewith transmit to you, for the use of the



members of the House, two hundred of the above mentioned maps, this being the number designated by law.

I have the honor to be, yours, very respectfully,

E. HENDERSON, Auditor of State.

House Bill No. 66. Introduced by Mr. Carey, entitled "An act for the creation of a state board of medical examiners for the State of Indiana."

Read the first time.

House Bill No. 67. Introduced by Mr. Arnold of Blackford, entitled "An act defining body snatching, prescribing punishment therefor, and repealing all laws in conflict therewith."

Read the first time.

Mr. Arnold offered the following resolution :

*Resolved*, That a committee on health and sanitary measures be appointed and added to the list of standing committees, to whom medical bills and health and sanitary measures shall be referred.

Which resolution was adopted.

House Bill No. 68. Introduced by Mr. Lindley, entitled "An act providing that a debtor may deduct the amount of his *bona fide* indebtedness from the aggregate amount of his assessment for the purpose of taxation by filing with the assessor or appraiser, at the time of being assessed, a schedule of such indebtedness and to whom due, and repealing all laws or parts of laws in conflict with the provisions of this act, and declaring an emergency."

Read the first time.

Mr. Lindley presented a petition on fees and salaries of state and county officers.

Which was filed.

House Bill No. 69. Introduced by Mr. Handy, entitled "An act to amend sections 6, 7 and 8 of an act entitled an act regulating divorces, nullifications of marriages, and decrees and orders of courts incident thereto, and repealing all laws conflicting with this act, and declaring an emergency, approved March 10, 1873; to authorize parties to divorce causes to testify, and to authorize either party to demand a jury to find specially."

Read the first time.

House Bill No 70. Introduced by Mr. Handy, entitled "An act to exempt certain small amounts of property, when none other is

owned by the party, from taxation, and certain parties from poll tax, and declaring an emergency.”

Read the first time.

House Bill No. 71. Introduced by Mr. Snoddy, entitled “A bill to amend sections 1 and 2 of an act entitled an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877.”

Read the first time.

Mr. Snoddy offered the following joint resolution:

*Resolved by the House of Representatives, the Senate concurring,* That the joint committee on fees and salaries are hereby requested to draft and present a bill to this House at their earliest convenience, regulating, equalizing and reducing the salaries of county officers of this State, embracing the following points, viz:

First. Each grade of officers shall receive the same salary.

Second. That clerkships or deputies be attached to each of the county officers with fixed salaries proportioned to the population of each county above twenty thousand inhabitants.

Third. That all salaries be paid out of the county treasury on the proper warrant.

Fourth. That all fees now allowed and collected by the various county officers be paid into the county treasury.

Fifth. That the present county officers elect be exempt from the operation of said bill.

Mr. Overmyer moved to refer to the committee on fees and salaries.

Which was adopted.

House Bill No. 72. Introduced by Mr. Hubbard, entitled “An act regulating interest on money, and to repeal all laws in conflict with the same, and declaring an emergency.”

Read the first time.

House Bill No. 73. Introduced by Mr. Hubbard, entitled “An act to provide for the organization and support of an asylum for feeble-minded children.”

Read the first time.

Mr. Saint offered the following resolution:

*Resolved,* That the officers and superintendents in charge of the

respective reformatory and benevolent institutions of the State, and the wardens of the State Prison North and the State Prison South, be and the same are hereby requested to communicate to this House a detailed statement of the number of officers and employes connected with their respective institutions, and under pay thereof; the services performed by each, with the amount paid therefor; and whether any of said officers or employes are members of the family of said officers or superintendents in charge of said institutions, or related thereto; and if so, in what degree; said statement to include all employments since January 1, 1877.

Which resolution was adopted.

Joint Resolution No. 3. Introduced by Mr. Kirkpatrick. "A joint resolution agreeing to and adopting amendments proposed to the Constitution, by the last General Assembly, by amending section two, of article two, and prescribing the qualification of voters."

Read the first time, and made the special order for 2½ P. M. Thursday, January 17.

Joint Resolution No. 4 (Senate). Introduced by Mr. Kirkpatrick, "A joint resolution agreeing to and adopting an amendment to the constitution by the last General Assembly, by amending section five, of article two, by striking out the words 'no negro or mulatto' shall have the right of suffrage."

Read the first time.

Joint Resolution No. 5. Introduced by Mr. Kirkpatrick, "A joint resolution agreeing to and adopting an amendment proposed to the constitution, by the last General Assembly, by amending section fourteen, of article two, in relation to elections, and the time of holding the same."

Read the first time.

Joint Resolution No. 6 (Senate). Introduced by Mr. Kirkpatrick, "A joint resolution agreeing to and adopting an amendment proposed to the constitution, by the last General Assembly, by striking the word 'white' from sections 4 and 5 of article 4."

Read the first time.

Joint Resolution No. 7. Introduced by Mr. Kirkpatrick, "A joint resolution agreeing to and adopting an amendment proposed to the constitution, by the last General Assembly, by amending the fourteenth clause of section 22, of article 4, in relation to fees and salaries."

Read the first time.

Joint Resolution No. 8. Introduced by Mr. Kirkpatrick, "A joint resolution agreeing to and adopting an amendment proposed to the constitution, by the last General Assembly, by amending section 1, of article 7, in relation to the courts in which the judicial power of the State shall be vested."

Read the first time.

Joint Resolution No. 9. Introduced by Mr. Kirkpatrick, "A joint resolution agreeing to and adopting an amendment to the constitution, by the last General Assembly, by amending section 2, of article 7, in relation to the number of judges of the Supreme Court, and the mode of their election."

Read the first time.

Joint Resolution No. 10. Introduced by Mr. Kirkpatrick, "A joint resolution agreeing to and adopting an amendment proposed to the constitution, by the last General Assembly, by striking out all of the sections of the thirteenth article and inserting therefor a section in relation to municipal corporations and prescribing the limit of their indebtedness."

Read the first time.

Joint resolution No. 11. Introduced by Mr. Kirkpatrick, as follows, to-wit: "A joint resolution agreeing to and adopting an amendment proposed to the constitution by the last General Assembly, by amending section 29 of the fourth article, in relation to the compensation of members of the General Assembly, and fixing the length of the sessions thereof."

Read the first time.

Mr. Gordon moved that the joint resolutions referring to the constitutional amendments be made the special order for Thursday next at two o'clock, P. M.

Mr. Osborn moved to amend by referring to the committee of the whole on Thursday, at two o'clock, P. M.

Which amendment was accepted, and the resolution as amended adopted.

Mr. Schweitzer offered the following resolution :

*Resolved*, That the committee on education be and they are hereby instructed to inquire into the propriety of amending the school laws of the State, and report to this House by bill or otherwise, at as early a day as practicable.

Which resolution was adopted.



Mr. Drover offered the following resolution :

*Resolved*, That the committee on judiciary be instructed to inquire into the expediency of abolishing the grand jury system and provide for other ways and means to prosecute offenders and violators of the criminal laws of the State, and that they be empowered to report by bill or otherwise.

Which resolution was adopted.

House Bill No. 74. Introduced by Mr. Overmyer, entitled "An act to establish a board of pardons, and defining the powers and duties thereof."

Read the first time.

House Bill No. 75. Introduced by Mr. Overmyer, entitled "An act to limit appeals to the Supreme Court and fixing the time within which such appeals may be taken."

Read the first time.

Mr. Overmyer offered the following resolution :

*Resolved*, That the Auditor of State be required to communicate to this House the following information, to-wit: The total amount of moneys drawn from the State Treasury by and for the State University at Bloomington, Purdue University and the State Normal School, showing the amount for each of said institutions for the years ending October 31, 1878, 1877, 1876 and 1875, setting forth in detail the amount drawn by each of said institutions for each of said years, whether by virtue of general, specific or standing appropriations.

Which resolution was adopted.

Mr. Overmyer introduced the following resolution :

*Resolved*, That so much of rule 39 of this House as relates to a standing committee on legislative and congressional apportionment, be stricken out, to the end that such committee, if deemed necessary, may be a special committee, in the selection of which the Democrat, Republican and National parties in this House shall each have a voice and influence in proportion to their respective membership.

Which was read and made the special order for January 15, under the rules.

Mr. Lehman offered the following resolution :

*Resolved*, That a committee of three be appointed, whose duty it shall be to ascertain and report to the House, at as early an hour as possible, how many committee rooms are at the disposition of this

House, and also to make some definite arrangement with the commissioners of Marion county as to the amount to be paid for the use of such committee rooms, and if a satisfactory arrangement can be made, to make the necessary assignment of what rooms shall be used by the various committees of this House respectively.

Mr. Overmyer offered the following amendment to the above resolution, to-wit:

Amend the resolution so that the committee shall ascertain at what price and what kind of rooms may be had from the commissioners of Marion county; and also at what price other rooms may be had from other persons, and that they report the information so obtained to the House.

Which amendment was accepted and the resolution as amended adopted.

Thereupon the chair appointed the following committee: Messrs Lehman, Overmyer and Willard.

House Bill No 76. Introduced by Mr. Lehman, entitled "An act to amend section 29 of an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852."

Read the first time.

House Bill No. 77. Introduced by Mr. Lehman, entitled "A bill to amend section 22, chapter 6, of an act prescribing the powers and duties of justices of the peace in state prosecutions, approved May 29, 1852."

Read the first time.

House Bill No. 78. Introduced by Mr. Brown, entitled "An act concerning sending prisoners to the jail of another county."

Read the first time.

House Bill No. 79. Introduced by Mr. Dalton, entitled "An act concerning the assessment of real property for taxation, and repealing all laws in conflict with this act, and declaring an emergency."

Read the first time.

House Bill No. 80. Introduced by Mr. Shields, entitled "An act to amend the 420th section of an act to revise, simplify and abridge the rules, practice and pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of

pleading and practice, without distinction between law and equity, approved June 18, 1852."

Read the first time.

House Bill No. 81. Introduced by Mr. Shields, entitled "An act providing for assessing the property of telegraph companies, and taxing the same."

Read the first time.

House Bill No. 82. Introduced by Mr. Shields, entitled "An act in relation to foreign express companies, defining their duties, and providing penalties for a failure to comply with the provisions of this act."

Read the first time.

Mr. Shields offered the following resolution :

*Resolved*, That the committee on cities and towns be and they are hereby instructed to inquire into the expediency of a revision of the laws governing incorporated cities, with a view to the following changes :

First. To provide that the taxes for the support of city government shall be assessed on county duplicates, and collected by county treasurers with other taxes.

Second. To provide that city clerks shall keep the records of the mayor's court, issue all processes of the mayor, and collect and account for all fines and forfeitures and fees assessed by the mayor, and to administer all oaths required to be made to persons filing affidavits, complaints, etc.

Third. To provide that cities may acquire the right to construct sewers and drains over and upon private property by negotiating for or condemning the same.

Fourth. To dispense with the office of city assessor.

Fifth. To provide for a less expensive method of condemning property for opening and widening streets, and assessing benefits and damages occasioned thereby.

Sixth. To revise the 53d section of the act of March 14, 1867, in relation to cities, and defining the powers of cities with a view of making them more specific.

Seventh. Said committee to confer with the committee of the Senate on cities and towns in considering the subjects of this resolution, with a view to agreeing upon such a bill as will meet the support of such committees in each branch of this General Assembly.

Which resolution was adopted.

Mr. Shields offered the following resolution:

*Resolved*, That the committee on agriculture be and they are hereby instructed to inquire into the expediency of enacting a law to compel owners of lands subject to overflow from rivers and creeks, which are not boundaries of the State, to keep such rivers and creeks clear of drifts which impede the flow of water therein, and report by bill or otherwise.

Which was adopted.

Mr. Sleeth moved to suspend the order of business and take up House Bill No. 1, that it may be read the second and third times.

Mr. Faulkner moved to adjourn, which motion did not prevail.

On the motion to suspend the order of business and take up House Bill No. 1, Messrs. Tulley and Gordon demanded the ayes and noes.

Those who voted in the affirmative were: Messrs. Bearss, Compton, Connor, Fancher, Handy, Hosmer, Kirkpatrick, Lehman, Overmyer, Owen, Sleeth, Watson and Works—13.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant and Blackford, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Confer, Connaway, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Harland, Hart, Herod, Hess, Hubbard, Huthsteiner, Kelly, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Reichelderfer, Robeson, Rodman, Robinson, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Willard, Wimmer and Mr. Speaker—77.

The order of business was not suspended.

House Bill No. 83. Introduced by Mr. Connor, entitled "An act providing for a lien upon horses and other domestic animals for the expenses of their care and keeping."

Read the first time.

House Bill No. 84. Introduced by Mr. Connor, entitled "An act to encourage the planting and growing of forest trees."

Read the first time.

House Bill No. 85. Introduced by Mr. Connor, entitled "An act to regulate special contracts for labor, and to punish offenders seek-



ing by force or otherwise to interfere between employers and employes."

Read the first time.

House Bill No. 86. Introduced by Mr. Connor, entitled "An act to regulate the sale of substance having the semblance of butter."

Read the first time.

House Bill No. 87. Introduced by Mr. Gordon, entitled "A bill to repeal section 250 of an act entitled an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872."

Read the first time.

House Bill No. 88. Introduced by Mr. Gordon, entitled "An act to repeal an act entitled an act defining vagrancy and other offenses therein specified; providing penalties; authorizing arrests of suspected persons without warrant; providing a method of examination; authorizing search of places where unlawful practices are carried on and arrest inmates without warrant, and conferring certain powers and jurisdiction on policemen and other peace officers, mayors and justices; declaring it a cumulative statute and emergency, and containing other provisions pertinent to the subject matter of the act approved March 15, 1877."

Read the first time.

On motion of Mr. Hubbard, the House adjourned to two o'clock P. M.

---

## AFTERNOON SESSION.

JANUARY 14, 1879.

The House met pursuant to adjournment, the Speaker in the chair.

Mr. Edwins moved to reconsider the resolution creating the sanitary committee.

Which was not adopted.

Mr. Works asked consent to introduce a resolution.

Which was objected to.

House Bill No. 89. Introduced by Mr. Gordon, entitled "An act touching contempt of court; prescribing penalties that may be inflicted therefor, and the method of proceeding therein."

Read the first time.

Mr. Herod presented the following claim, to-wit:

*The State of Indiana,*

*To James C. Denny, David V. Burns and Caleb S. Denny, Dr.*

To services rendered as attorneys for said State in the case of the State of Indiana on the relation of the Auditor of State against the Board of Commissioners of Johnson County, Indiana, the same being a suit formerly commenced in the Johnson Circuit Court, and afterwards taken by change of venue to the Superior Court of Marion county, Indiana, being cause No. 6,154 of said superior court—\$1,800.

January 14, 1879.

Referred to the committee on claims.

House Bill No. 90. Introduced by Mr. Herod, entitled "An act defining libel, and prescribing punishment therefor."

Read the first time.

House Bill No. 91. Introduced by Mr. Herod, entitled "An act concerning married women."

Read the first time.

House Bill No. 92. Introduced by Mr. Herod, entitled "An act limiting the time in which action shall be commenced against sureties, and against stockholders in corporations for individual liability as such stockholders, and repealing all laws in conflict therewith."

Read the first time.

House Bill No. 93. Introduced by Mr. Herod, entitled "An act to provide for the assessment and taxation of building, loan fund and saving associations, and repealing the laws on that subject."

Read the first time.

House Bill No. 94. Introduced by Mr. Herod, entitled "An act to regulate the carrying concealed, dangerous and deadly weapons, and to prevent carrying such weapons openly in certain cases; prescribing punishment for violation of the same, and declaring an emergency."

Read the first time.

House Bill No. 95. Introduced by Mr. Herod, entitled "An act for the indemnification of sheriffs, coroners, elisors and constables who are required to execute process upon property, the title to which is in dispute, and declaring an emergency."

Read the first time.

House Bill No. 96. Introduced by Mr. Herod, entitled "An act to amend sections 3 and 8 of an act entitled an act to provide for the inspection of petroleum oils for illumination purposes; making and branding the same; prescribing penalty for selling without inspection, or for falsely branding the cask, package or barrel containing the same, or for violating any of the provisions of this act; for the appointment of inspectors and deputies; prescribing duties and terms of office, and imposing penalties for inspectors or deputies trading in any articles they are appointed to inspect."

Read the first time.

House Bill No. 97. Introduced by Mr. Herod, entitled "An act to authorize justices of the peace to appoint constables, requiring them to give bond, and declaring an emergency."

Read the first time.

House Bill No. 98. Introduced by Mr. Herod, entitled "An act to prevent the running at large of stock, and for other purposes, and declaring an emergency."

Read the first time.

House Bill No. 99. Introduced by Mr. Herod, entitled "An act creating a council of pardons and commutations for crimes committed, prescribing the manner of doing business, and declaring an emergency."

Read the first time.

Petition of Mr. Wishmeier and others. Introduced by Mr. Herod, January 14, and referred to the committee on highways.

House Bill No. 100. Introduced by Mr. Herod, entitled "An act to secure to inmates of insane hospitals the right to communicate with persons outside by letter and otherwise, and providing punishment for denials of such rights."

Read the first time.

House Bill No. 101. Introduced by Mr. Herod, entitled "An act to authorize inquisitions of insanity and prescribing the mode of proceeding; to punish violations thereof; repealing all laws in conflict therewith, and declaring an emergency."

Read the first time.

Mr. English introduced the following resolution:

WHEREAS, It would be a great saving of expense, as well as convenience to tax payers of counties in this State in which cities and incorporated towns are situated, to have but one assessment of prop-

erty for taxation, but one set of tax duplicates, but one time and one place for payment of taxes, but one delinquent list, but one set of assessors, and but one tax collector in each county; therefore

*Be it resolved*, That the committee on cities and towns be instructed to inquire into the expediency of reporting a bill which shall substantially embody and carry out the following provisions, applicable to all counties in this State in which there shall be situated an incorporated city or town, viz:

First. The office of city or town assessor to be abolished, and city taxation to be based on the assessment made for taxation for state and county purposes.

Second. The office of city or town treasurer to be abolished, and the treasurer of the county to perform all the duties of such city or town treasurer, and all the laws applicable to city treasurer not inconsistent with this act to be applicable to county treasurers, except that the fees and percentage to be allowed county treasurers for collecting city or town tax shall only be fifty per cent. of the fees and percentages now allowed city treasurers.

Third. City or town tax to be entered on the same tax duplicate as state and county tax, but in separate columns, so as to keep the amount of each tax separate and distinct.

Fourth. City and town taxes to be payable at the same place and at the same time and manner as state and county tax, and when delinquent to be published in the same delinquent list.

Fifth. The law to take effect May 1, 1879, and the office of any county treasurer failing to qualify and assume the duties required by such law within ten days after the taking effect of the same shall be thereby vacated, and another person shall be appointed such county treasurer, as now provided by law.

Which resolution was adopted.

House Bill No. 102. Introduced by Mr. English, "A bill reducing grading and fixing the fees of the officers and persons named therein; prohibiting the violation of its provisions; repealing certain laws, and declairing an emergency."

Read the first time.

House Bill No. 103. Introduced by Mr. Confer, entitled "An act to amend the 44th section of an act entitled an act fixing the fees and saleries, duties and compensation of the officers and persons named therein; prohibiting the violation of its provisions and



repealing certain laws, approved March 12, 1875, and declaring an emergency."

Read the first time.

House Bill No. 104. Introduced by Mr. Confer, entitled "An act to amend sections 1, 11 and 12 of an act entitled an act to exempt property from sale in certain cases, approved February 17, 1852."

Read the first time.

House Joint Resolution No. 12. Introduced by Mr. Confer, "Soliciting the influence of the members of Congress from this State to place certain articles of medicine on the free list."

Was read the first time, and the question being on the passage of the resolution,

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant and Blackford, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connaway, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reichelderfer, Robeson, Rodman, Robinson, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—80.

Those who voted in the negative were: Messrs. Connor, Gordon, Kirkpatrick, Lehman, Reed, Shanks and Watson—7.

The joint resolution was adopted.

House Bill No. 105. Introduced by Mr. Miers, entitled "An act to regulate the practice of dentistry in the State of Indiana."

Read the first time.

House Bill No. 106. Introduced by Mr. Miers, entitled "An act to provide for the election of three special judges to try venued causes, prescribing there duties, fixing their salaries, and dividing the State into the special districts."

Read the first time.

House Bill No. 107. Introduced by Mr. Miers entitled "An act

to amend section 20 of an act entitled an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852."

Read the first time.

House Bill No. 108. Introduced by Mr. Miers, entitled "An act in relation to contests of election."

Read the first time.

Mr. Reed introduced the following:

*Resolved*, That the officers elect of this House be requested to report to the House, at the earliest moment practicable, the names of all their employes."

Which was adopted.

House Bill No. 109. Introduced by Mr. Thompson, entitled "A bill providing for holding terms of court in the twenty-first, twenty-second and forty-second judicial circuits; also creating the forty-second circuit, providing for the appointment of judge and prosecutor, providing for return of process, repealing laws in conflict, and declaring an emergency."

Read the first time.

House Bill No. 110. Introduced by Mr. Thompson, entitled "An act to amend an act entitled an act prohibiting supreme, circuit and common pleas judges, clerks of the circuit court, clerks of the court of common pleas, auditors, treasurers, recorders, sheriffs, and their deputies, from practicing law in any of the courts of this State, except as in this act permitted, and prescribing punishment for the violation thereof, approved March 1, 1869, and declaring an emergency."

Read the first time.

House Bill No. 111. Introduced by Mr. Hart, entitled "A bill to amend section 2 of an act entitled an act to discourage the keeping of useless and sheep-killing dogs, and to repeal all laws inconsistent therewith, and declaring an emergency."

Read the first time.

House Bill No. 112. Introduced by Mr. Osborn, of Elkhart, entitled "An act to provide for the election of trustees for the asylums of the insane, deaf and dumb, and blind, and for the more efficient and uniform government thereof."

Read the first time.

House Bill No. 113. Introduced by Mr. Osborn, of Elkhart, entitled "An act to provide for compensation to county officers and to regulate their fees to be paid for their services."

Read the first time.

The following message was received from the Senate, by its Secretary, Mr. Dale :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 51, "An act to fix the times of holding circuit courts in the eleventh judicial circuit of the State of Indiana, prescribing the length of terms thereof, and repealing all laws in conflict therewith, and declaring an emergency," and the same is hereby submitted to the House for its action.

House Bill No. 114. Introduced by Mr. Osborn, entitled "An act to legalize and make valid the organization of certain building, loan and saving associations, and to extend the term of their existence in certain cases of all building, loan and saving associations."

Read the first time.

House Bill No. 115. Introduced by Mr. Schweitzer, entitled "An act to amend section 1 of an act entitled an act for the protection of the Sabbath, and providing penalties for the desecration thereof, approved February 28, 1855."

Read the first time.

Mr. Schweitzer offered the following resolution :

WHEREAS, The complaint among the people is universal that the costs in settling up decedents' estates is entirely too great, and that the length of time given for such settlements should be materially decreased; therefore,

*Be it resolved*, That a special committee be appointed, to consist of five members, whose duty it shall be to devise a better system for the speedy settlement of estates, having in view the saving of the property of the heirs, and that said committee report by bill at an early day of this session of the General Assembly.

Which was adopted, and the Speaker appointed as such select committee Messrs. Schweitzer, chairman; Willard, Thayer, Robinson and Miers.

Mr. Schweitzer offered the following:

WHEREAS, The prevalent stagnation of the monetary affairs of our people, and the consequent effort that is required to enable them to meet their daily demands in procuring the necessities of life, makes it obligatory upon us, their representatives, to do all in our power to relieve them of their financial embarrassment; therefore,

*Be it resolved by the House of Representatives,* That it is the sense of this House that we should oppose every measure looking to an increase in taxes of our people in all cases where the object of taxation can be consistently avoided, and that the duty of the hour demands of us, as public servants, a strict observance of economy in all our legislative enactments.

Which was adopted.

House Bill No. 116. Introduced by Mr. Major, entitled "An act prohibiting judgments being rendered upon contract, waiving valuation or appraisement laws, and forbidding the sale of property on execution for less than two-thirds of the appraised value thereof."

Read the first time.

House Bill No. 117. Introduced by Mr. Major, entitled "An act regulating and establishing the legal rate of interest on notes and other contracts; providing penalties and forfeitures for the violation of or evasion of the provisions of the same; prohibiting judgments being rendered for a greater interest than six per cent. per annum, and repealing all conflicting laws."

Read the first time.

House Bill No. 118. Introduced by Mr. Works, entitled "An act to divide the State into circuits for judicial purposes; fixing the times of holding courts therein; abolishing the office of county commissioner and transferring the business of boards of commissioners to the circuit courts; providing for the appointment and election of judges and prosecuting attorneys in certain cases; regulating the duties of county auditors, judges, prosecuting attorneys, clerks, and sheriffs; fixing the salaries of judges and prosecuting attorneys; providing for the manner of selecting and calling of petit and grand juries, and prescribing their duties; providing for the proper transaction of business in the circuit courts; regulating the filing and allowing of claims against counties in said courts, and the duty of certain officers with reference thereto; providing that certain officers and their deputies shall attend upon the sittings of the courts with-



out extra allowance or per diem therefor; forbidding the appointment of bailiffs at the expense of the county; limiting the power of judges in the appointment of attorneys in criminal cases; providing how counties in this State shall sue and be sued; repealing all laws in conflict with this act, and declaring an emergency."

Read the first time.

House Bill No. 119. Introduced by Mr. Works, entitled "An act to amend sections 71 and 72 of an act entitled an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases."

Read the first time.

House Bill No. 120. Introduced by Mr. Works, entitled "An act concerning the evidence to be given by the defendant in action for libel and slander."

Read the first time.

Mr. Works presented the following resolution:

*Resolved*, That the afternoon sessions of the House shall be at one and a half o'clock, and all adjournments in the forenoon shall be to that hour, unless otherwise ordered.

Mr. Gordon moved to amend by making two o'clock P. M.

Which amendment was adopted, and the resolution adopted as amended.

House Bill No. 121. Introduced by Mr. Allen, entitled "An act for an act in relation to foreign corporations; the rights, powers and duties thereof, and providing for the future in certain cases, and defining certain felonies."

Read the first time.

Leave of absence was granted Mr. Campbell of Cass.

Leave of absence was granted Mr. Johnston of Montgomery and Parke.

House Bill No. 122. Introduced by Mr. Allen, entitled "An act supplemental to an act entitled an act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and to purchase any ground and building for school purposes."

Read the first time.

House Bill No. 123. Introduced by Mr. Allen, entitled "An act to disqualify citizens of incorporated cities as electors of township trustees and to render ineligible township trustees who are residents of any such city, and repealing all laws conflicting therewith, and declaring an emergency."

Read the first time.

Mr. Allen offered the following resolution :

*Resolved*, That two hundred copies of House Bill No. 113 be printed by the State Board of Public Printing for the inspection of the members of the House and Senate, and that one copy of said bill, when printed, be laid on the table of each Representative and Senator.

Which was adopted.

Mr. Allen moved that the committee on elections have leave to publish depositions now on file.

Which motion was adopted.

On motion of Mr. Reed the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## WEDNESDAY MORNING.

JANUARY 15, 1879.

The House met pursuant to adjournment, the Speaker in the chair.

The House was opened with prayer by the Rev. T. H. Lynch, of Indianapolis.

The Journal of yesterday was read in part, when, on motion of Mr. Herod, the further reading thereof was dispensed with.

House Bill No. 124. Introduced by Mr. Allen, entitled "A bill for an act touching the duties of township trustees, and taxes for the fees and expenses of such office."

Read the first time.

House Bill No. 125. Introduced by Mr. Allen, entitled "An act to regulate interest on money, and providing for attorney's fees in certain cases, and to repeal an act entitled an act concerning interest

on money, and to provide for recoupment of usurious interest, approved March 9, 1867, and all other laws and parts of laws in conflict with this act."

Read the first time.

House Bill No. 126. Introduced by Mr. Allen, entitled "An act for an act touching foreign corporations and providing that certain acts thereof shall work forfeitures."

Read the first time.

House Bill No. 127. Introduced by Mr. Watson, entitled "An act to exempt a homestead and other property from forced sale in certain cases, and declaring an emergency."

Read the first time.

House Bill No. 128. Introduced by Mr. Watson, entitled "An act providing for the release of sureties on the bonds of executors, administrators and guardians, and for the exemptions and approvals of new bonds in lieu thereof."

Read the first time.

House Bill No. 129. Introduced by Mr. Faulkner, entitled "An act to amend sections 3 and 5 of an act entitled an act to provide for the more speedy trial of causes in courts, etc., approved March 7, 1877, and declaring an emergency."

Read the first time.

House Bill No. 130. Introduced by Mr. Faulkner, entitled "An act to amend an act entitled an act to fix the salaries of the judges of the Supreme, Circuit, Superior, and Criminal Courts of this State, and to provide for the time and manner of payment, approved March 10, 1873."

Read the first time.

Mr. Faulkner offered the following resolution:

WHEREAS, There was paid out of the state treasury, upon the warrants of the Auditor of the State, the sum of \$5,002.16 on account of "special services of judges," and the sum of \$19,374.02 on account of sheriffs' mileage; and

WHEREAS, It is necessary, in order to enable this House to act intelligently in these matters referred to, to obtain fuller information; therefore,

*Be it resolved,* That the Auditor of State be requested to furnish this House, on or before January 25th next, a tabulated statement

of the amount paid to each judge or attorney for services as special judge, the number of days and the rate per day allowed each for such services; and

*Be it further resolved*, That he also furnish a tabulated statement of the amounts paid to the sheriffs of each county, specifying in such case the number of prisoners conveyed, the legal mileage for conveying a single prisoner, the number of assistants employed, the amount paid for assistants, the amount paid for railroad fare, for hack hire and hotel hire.

Which was adopted.

Mr. Drake offered the following resolution:

*Resolved*, That no bill or resolution shall be referred to the select standing committee for sanitary purposes, but that said committee shall be for the purpose of investigation, and to report facts to the House.

Which was adopted.

House Bill No. 131. Introduced by Mr. Sleeth, entitled "An act for an act to amend section 77 of an act entitled an act to revise, simplify and abridge the rules, practice, pleading and forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852."

Read the first time.

House Bill No. 132. Introduced by Mr. Sleeth, entitled "An act for an act to provide for the issuing of letters testamentary, and letters of administration, and to repeal sections 1 and 7, of chapter 2, of an act providing for the settlement of decedents' estates; prescribing the rights, liabilities and duties of officers connected with the management thereof and heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852."

Read the first time.

Mr. Sleeth offered the following resolution:

*Resolved*, That it is the sense of this House that the committee on claims should not entertain, hear or determine any bill, debt or claim against the State of Indiana unless the same shall have been filed at least fifteen days before the close of the session: *Provided*, however, That this is not intended to apply to any claims which



shall not have become due at that time, nor any of the current expenses consequent upon the meeting of the present session of the General Assembly.

Which was adopted.

Mr. Briggs presented a petition on ventilation of mines, signed by sundry citizens from Sullivan county.

Which was referred to the committee on mines, without reading.

House Bill No. 133. Introduced by Mr. Briggs, entitled "An act fixing the time at which causes shall stand for issue and trial in the circuit court of this State; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read the first time.

House Bill No. 134. Introduced by Mr. Briggs, entitled "An act concerning interest on money; repealing all laws in conflict therewith, and declaring an emergency."

Read the first time.

House Bill No. 135. Introduced by Mr. Briggs, entitled "An act to legalize the acts of the boards of trustees of the incorporated town of Shelburn, Sullivan county, Indiana, in the levy and assessment of taxes for corporate purposes in all cases since the incorporation of said town, where any irregularity may exist, and acts of said trustees and other officers of said town in relation thereto under an act for the incorporation of towns, defining their powers, providing for the election of the officers and declaring their duties, approved June 11, 1852, and declaring an emergency."

Read the first time.

Mr. Vanpelt offered the following resolution:

WHEREAS, The Clerk of this House has no authority to furnish stationery necessary and absolutely necessary for the use of the committees of this House; therefore

*Resolved*, That the Clerk is hereby instructed to furnish committees with all necessary stationery, when request is made for the same in writing by the chairman of the respective committees of this House.

Which was adopted.

House Bill No. 136. Introduced by Mr. Perry, entitled "An act providing for the protection of fish, and repealing all laws in conflict with the same, and prescribing penalties for the violation thereof."

Read the first time.

House Bill No. 137. Introduced by Mr. Baker, entitled "An act relating to the rights of married women and matters properly connected therewith, repealing all laws in conflict, and declaring an emergency."

Read the first time.

Mr. Osborn, of Vermillion, offered the following resolution:

*Resolved by the House of Representatives of the State of Indiana,* That the committee of this House on apportionment is hereby instructed, by this House, to report to this body, for its action, a bill dividing the territory of this State into one hundred assembly representative districts, composed of contiguous territory, and each district containing an equal number of inhabitants, without any regard whatever to the partizan political character of such district thus formed.

Mr. Osborn, of Elkhart, moved to lay the resolution on the table.

Mr. Overmyer and Mr. Gordon demanded the ayes and noes.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blackley, Briggs, Brown of Jasper, Caldwell, Compton, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garoutte, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah and Willard—48.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Stenben, Bryant, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Donnell, Fancher, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Rodman, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thornburg, Vawter, Watson, Wimmer, Works and Mr. Speaker—46.

The motion to lie on the table was agreed to.

Mr. Overmyer asked to withdraw his proposition to amend the rules.

House Bill No. 138. Introduced by Mr. Garrouette, entitled "An act authorizing and requiring township trustees to apply surplus township funds now on hand for road purposes, and to legalize such application where heretofore made."

Read the first time.

House Bill No 139. Introduced by Mr. Van Valzah, entitled "An act to change the time when city taxes shall become a lien."

Read the first time.

House Bill No. 140. Introduced by Mr. Van Valzah, entitled "An act legalizing the annexation of land to cities."

Read the first time.

Mr. Van Valzah submitted the following claim:

*The State of Indiana,*  
*To Jose A. Vrydagh, Dr.*

For plans and specifications of work made by order of the first board of trustees of the State Normal School, upon which no commission has ever been paid, and representing an expenditure of \$30,698 at 2½ per cent.....	\$767 45
Interest.....	184 08
For cash paid to laborers and errors in settlement with board	163 25
Interest.....	73 45
Total.....	<hr/> \$1,188 23

JOSE A. VRYDAGH.

Referred to the committee on claims.

Mr. Van Valzah introduced the following resolution:

*Resolved*, That the Secretary of State be directed to purchase twenty-five reams of lithographic letter heads of the new State House, put up in blocks of one hundred each, for the use of the General Assembly, and furnish the same to the members at cost.

The question being upon the adoption of the resolution, Messrs. Gordon and Tulley demanded the ayes and noes.

Those who voted in the affirmative were: Messrs, Drake, Taylor of Lagrange, Thayer, Van Valzah and Vawter—5.

Those who voted in the negative were: Messrs, Alden, Allen, Arnold of Grant and Blackford, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Donnell,

Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Rooker, Saint, Scholl, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Thornburg, Tulley, Vanpelt, Watson, Willard, Works and Mr. Speaker—87.

Mr. Arnold, of Wabash, offered the following resolution:

WHEREAS, Much complaint exists of delay and inconvenience on the part of the people in the settlement of estates of deceased persons, the accounts of guardians of minors and others, and the estates of insolvent debtors; therefore,

*Resolved*, That the committee on rights and privileges of the inhabitants of the State of Indiana be requested to inquire into the expediency of reporting a bill to organize a court for each county of the State, to be called the probate court, for the purpose of settling with administrators of the estates of deceased persons, guardians of the persons and the estates of minors and others and assignees of insolvent debtors; such court to have charge of no other business, except as herein named; said court to hold daily sessions for the transaction of business.

Which resolution was adopted and referred to the committee on rights and privileges.

House Bill No. 141. Introduced by Mr. Taylor, of Warrick, entitled "An act to legalize the official acts of the board of trustees of the town of Boonville, Warrick county, Indiana, and all other officers of said corporation under the act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and declaring an emergency."

Read the first time.

Mr. Taylor, of Warick, introduced the following resolution:

*Resolved*, That the Auditor of State be instructed to request from the different county auditors, county treasurers, county sheriffs and clerks of circuit courts, of this State, to report to him, on sworn statements, on or before the 10th day of February, 1876, on appropriate blanks to be furnished by the Auditor of State, the following items for the information of the General Assembly, viz:



First. The aggregate amount of fees and salaries and all other emoluments received by the incumbent or incumbents of the offices of county auditor, treasurer, sheriff and clerk of the circuit court and assessors in the counties of this State during the year 1878.

Second. The total value of the taxables according to the latest tax duplicate of the county.

Third. In the case of clerks of the circuit court, the total number of new cases entered on the docket of their respective counties.

Which resolution was adopted.

House Bill No. 142. Introduced by Mr. Mitchell, entitled "An act to fix and regulate the salaries of county officers; repealing all laws granting fees and perquisites to said officers inconsistent therewith, and providing penalties for the violations of the provisions of this act."

Read the first time.

House Bill No. 143. Introduced by Mr. Mitchell, entitled "An act to divide the State of Indiana into congressional districts."

Read the first time.

Mr. Mitchell offered the following resolution:<sup>3</sup>

*Resolved*, That the committee on the judiciary be and they are hereby requested to inquire carefully into the expense it requires to run the present judiciary system; the limitation of the jurisdiction of the justices of the peace, and the propriety and expediency of appeals and petty crimes or misdemeanors to the circuit court, making a limit under which no appeal can be taken; also to inquire whether the business of the State demands the number of judicial circuits, criminal and superior courts which now exists in the State; and whether expanding the jurisdiction of the justices of the peace, enlarging the judicial circuits of the State would not be judicious and in accordance with the voice of economy.

Which was adopted.

House Bill No. 144. Introduced by Mr. Owen, entitled "A bill providing for the collection of damages growing out of the sale of intoxicating liquors from the sellers and the owners of buildings in which the same are sold."

Read the first time.

House Bill No. 145. Introduced by Mr. Owen, entitled "A bill providing for a supplemental section to an act entitled an act to regulate and license the sale of spirituous, vinous, and malt and

other intoxicating liquors; to limit the license fee to be charged by cities and towns; prescribing penalties for intoxication, and providing for the recovery of damages for injuries growing out of unlawful sales of intoxicating liquors; to repeal all former laws regulating the sale of intoxicating liquor, and all laws and parts of laws coming in conflict with the provisions of this act; prescribing penalties for the violations thereof, and declaring an emergency, approved March 17, 1875, prohibiting the sale of intoxicating liquor, in any township where a majority of the legal voters are opposed to such sale."

Read the first time.

House Bill No. 146. Introduced by Mr. Tulley, entitled "A bill to regulate the manner of listing property for taxation, allowing legal indebtedness to be deducted from property assessed; barring the right to recover the possession of or maintain any action on or for the collection of any property, chose in action, demands or debt, unless embraced in schedule of property listed, and declaring an emergency."

Read the first time.

House Bill No. 147. Introduced by Mr. Tulley, entitled "An act to enable married women whose husbands are insane or incapacitated to exercise the rights of resident householders, in having property exempted from execution or attachment."

Read the first time.

Mr. Tulley offered the following resolution:

*Resolved*, That the Doorkeeper of this House of Representatives be instructed to procure four thermometers, and place the same in proper position in this hall, and to so regulate the register of hot and cold air as to secure a temperature of 66° as near as possible.

Which was adopted.

House Bill No. 148. Introduced by Mr. Tulley, entitled "An act to legalize and make valid the sale of real estate in certain cases, and declaring an emergency."

Read the first time.

House Bill No. 149. Introduced by Mr. Tulley, entitled "An act regulating interest on money accounts, choses in action, demands and judgments, and repealing all laws in conflict therewith, and declaring an emergency."

Read the first time.

House Bill No. 150. Introduced by Mr. Gordon, entitled "An act legalizing the annexation of platted territory to the city of Logansport by resolution of the common council of May 5, 1870, and an annexation to said city of contiguous territory by proceedings before the board of commissioners of Cass county of June 13, 1870, and establishing the limits of the city of Logansport."

Read the first time.

Mr. Lehman, on behalf of the committees on elections, etc., offered the following report:

*To the Honorable Speaker of the House of Representatives:*

Your committee on elections, affairs of prisons, swamp lands, military affairs, trust funds, sinking funds, rights and privileges of the inhabitants of the State, manufactures and commerce, county and township business, agriculture, benevolent institutions, temperance, mileage and accounts, canals, public expenditures, affairs of the city of Indianapolis, cities and towns, engrossed bills, roads, statistics and emigration, printing, drains and dykes, mines and mining, apportionment and redistricting, comprising section three, would respectfully report that they have elected Charles Schenk as clerk of said committees, as provided by law, to date from January 14, 1879.

The following report was received from the chairmen of the several committees of the first group:

We, the undersigned, chairmen of the committee of the first group, appoint C. C. Worrall as clerk for said group.

G. HUTHSTEINER, chairman on Insurance.

T. C. BRIGGS, chairman on Courts.

I. N. KESTER, chairman on Banks.

J. WILLARD, chairman on Fees and Salaries.

The following report was made by the several chairmen of the committees of the second group:

We, the undersigned, members of the second series of committees hereby appoint John Graham clerk of said series.

R. MIERS, chairman on Education.

A. HUMPHREYS, chairman on Ways and Means.

R. VAN VALZAH, chairman on Railroads.

M. THOMPSON, chairman on Benevolent Institutions.

A communication from the Governor, with accompanying documents, was presented and read, when, on motion of Mr. Osborn, it was referred to the committee on rights and privileges.

Senate Bill No. 51. Entitled "An act fixing the time of holding courts in the eleventh judicial circuit of the State of Indiana, prescribing the length of terms thereof, and repealing all laws in conflict hereof, and declaring an emergency."

Read the first time.

House Bill No. 1 was read the second time.

Mr. Caldwell moved that the bill be considered engrossed, and that the constitutional rules be suspended and the bill be read a third time and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Campbell, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garroute, Ginz, Gordon, Handy, Harland, Hart, Herod, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Riechelderfer, Robeson, Rodman, Robinson, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—90.

Mr. Hopkins voting in the negative.

The constitutional rule was suspended.

Mr. Overmyer, by unanimous consent, offered the following amendment:

Amend by striking out the words "either House or Senate by resolution," and inserting in lieu thereof the words "concurrent action of both houses," in section 2.

Which was agreed to.

House Bill No. 1 was read the third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell,



Carey, Carter, Compton, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Rodman, Robinson, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of LAGRANGE, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—87.

Mr. Stucker voting in the negative.

The bill passed.

The title of the bill was read, and the question being, shall the title of the bill stand for the title of the act?

It was so ordered.

Mr. Osborn, of Vermillion, was granted leave of absence indefinitely.

Mr. Osborn, of Elkhart, moved that the House go into committee of the whole at two o'clock P. M. for the purpose of considering the Governor's message.

Which motion was agreed to.

House Bill No. 151. Introduced by Mr. Dalton, entitled "An act to enable certain mining and manufacturing corporations of other States to take, hold and convey real estate in this State."

Mr. Majors offered the following resolution:

*Resolved*, That the committee on ways and means be instructed to bring in and report the general appropriation bill at as early a time as may be consistent with their other duties; not later than the first Monday of February.

Which was adopted.

House Bill No. 2. Introduced by Mr. Davidson, was read the second time, and, on motion, it was referred to the committee on the judiciary.

House Bill No. 3. Introduced by Mr. English, was read the second time, and, on motion, it was referred to the committee on ways and means.

The following report was received from the first, second and third groups of committees, to-wit:

We hereby appoint Elijah Edington, of Greene county, as janitor of the committee rooms of the following committees, to-wit: first, second and third groups of the standing committees of the House of Representative of the present session, January 14, 1879.

C. C. WORRELL, clerk of first group.

JOHN GRAHAM, clerk of second group.

On motion of Mr. Hess, the House adjourned until two o'clock,  
P. M.

---

## AFTERNOON SESSION.

JANUARY 15, 1879.

Mr. Arnold, from Grant and Blackford, presented a petition from George W. Gibson, asking to withdraw notice and papers in contest of George W. Gibson vs. J. T. Arnold.

Mr. Osborn moved that the petitioner have leave to withdraw the papers on file, and that the committee on elections be discharged from the further consideration of said contest.

Which was agreed to.

On motion of Mr. Osborn, of Elkhart, the House went into committee of the whole, on the Governor's message, with Mr. Willard in the chair.

The committee arose, and Mr. Willard, chairman of the committee of the whole, made the following report to the House:

MR. SPEAKER:

I am directed to report to the House that the committee of the whole have had under consideration the Governor's message, and have directed me to report as follows:

That so much of the message as refers to the conflicting enactments, with reference to the election of township officers, be referred to the committee on elections.

That so much of the message as relates to the imposing, by law, ministerial duties upon the Governor, be referred to the committee on judiciary.

That so much of the message as refers to the reports of the state officers, and the receipts and disbursements for the year, be referred to the committee of ways and means.

That so much of the message as relates to the subject of pardons, and the establishment of a council of pardons, be referred to the judiciary committee.

That so much of the message as relates to the authority of the officers of the benevolent institutions to report directly to the General Assembly and not to the Governor, be referred to the committee on benevolent and scientific institutions.

That so much of the message as relates to the organization of the militia, and the payment of a bounty to those serving in the late disturbances in this State, be referred to the committee on military affairs.

That so much of the message as relates to the expenditures for the support and management of the benevolent institutions, be referred to the committee on ways and means.

That so much of the message as relates to education and the several educational institutions of the State, be referred to the committee on education.

That so much of the message as relates to the prisons of the State, and the treatment of criminals, be referred to the committee on affairs of the state prisons.

That so much of the message as refers to the State Librarian's office, and to the purchase of the private library of the Hon. Horace P. Biddle, be referred to the committee on ways and means.

That so much of the message as relates to the subject of supplying funds for the completion of the new State House, and the advisability of making a loan or increasing taxation for that purpose, be referred to the committee on ways and means.

That so much of the message as relates to the apportionment of the State for legislative and congressional purposes, be referred to the committee on apportionment.

That so much of the message as relates to the assessment and collection of taxes in towns and cities, be referred to the committee on ways and means.

That so much of the message as relates to our judicial system and expert testimony, be referred to the judiciary committee.

That so much of the message as relates to the early printing and distribution of the laws, be referred to the committee on printing.

That so much of the message as relates to the subject of appropriations for the ensuing two years, be referred to the committee on ways and means.

Which report was, on motion of Mr. Humphreys, concurred in.

Mr. J. D. Osborn introduced the following resolution:

*Resolved*, That so much of the Governor's message as relates to trials of causes in the circuit court by judges of other courts, and to the modification of the criminal law as to the punishment to be inflicted, be referred to the judiciary committee.

Which was adopted.

House Bill No. 4. Introduced by Mr. Edwins, was read the second time, and, on motion, referred to the committee on the judiciary.

Mr. Osborn, of Elkhart, moved that all bills on the subject of interest be referred to the committee on the judiciary after the second reading, without amendment.

Which was agreed to.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 32, "An act to allow to the judiciary committee of the Senate and House of Representatives of the State of Indiana each a separate clerk especially for the business before them, repealing all conflicting acts, and declaring an emergency;" and the same is herewith submitted to the House for its action thereon.

D. D. DALE, Secretary.

January 15, 1879.

House Bill No. 5. Introduced by Mr. Faulkner, was read the second time, and, on motion, referred to the committee on the judiciary.

House Bill No. 6. Introduced by Mr. Stevens, was read the second time, and, on motion, referred to the committee on ways and means.

House Bill No. 7. Introduced by Mr. Compton, was read the second time and referred to the committee on mines and mining.

House Bill No. 8. Introduced by Mr. Caldwell, was read the second time and referred to the committee on the judiciary.



House Bill No. 9. Introduced by Mr. Stevens, was read the second time.

On motion of Mr. Osborn, of Elkhart, the emergency clause was stricken out, and passed to a third reading, and ordered to be engrossed.

House Bill No. 10. Introduced by Mr. Davidson, was read the second time.

On motion the emergency clause was stricken out, and the bill referred to the committee on the organization of courts.

House Bill No. 11. Introduced by Mr. Hess, was read the second time and referred to the committee on roads.

The following communication was received from the Governor:

STATE OF INDIANA, GOVERNOR'S OFFICE, ROOM 57,  
INDIANAPOLIS, JANUARY 15, 1879.

SIR: I will be glad to receive yourself and other members of the House and other friends at my residence, No. 112 North Meridian street, this evening.

Respectfully,

JAMES D. WILLIAMS, Governor.

To Hon. HENRY S. CAUTHORN, Speaker of the House of Representatives.

House Bill No. 12. Introduced by Mr. Shields, was read the second time, and referred to the committee on cities and towns.

Mr. Lehman, from the special committee on committee rooms, made the following report, to-wit:

*To the Honorable Speaker of the House of Representatives:*

Your committee to confer with the commissioners of Marion county as to price of committee rooms offered by them for the use of this House, and also to receive offers as to rooms and the prices therefor at other places, beg leave to report that we have performed that duty, and find that rooms Nos. 8, 7, 6, 4, 75 and 81 have been offered by the commissioners of Marion county. We find two of these rooms entirely too large for committee rooms; that all are unfurnished and in the mansard part of this building, being four flights of stairs high. We have also failed to get any definite answer from the commissioners as to the price to be paid for the same, as shown in their communication herewith submitted and marked "Exhibit A." The Grand Hotel offers the House rooms

"A" and "B" on office floor, and rooms 95, 97 and 98 on third floor, in all five rooms, for the sum of \$185 for the entire session of the Legislature, the hotel furnishing also lights, fire, janitor and all necessary furniture. Woodward's European Hotel, immediately north of the Bates House, offers six rooms on the second floor of said hotel, including fire, gas, chairs, tables, and other necessary articles, including janitor, for the sum of \$90 per month, or \$180 for the session. Your committee consider these two propositions the best made, and would recommend the adoption of one or the other of them.

CHARLES LEHMAN.

JOHN OVERMYER.

JAMES H. WILLARD.

Exhibit "A" submitted with the report of special committee to the Senate and House of Representatives of the State of Indiana:

GENTLEMEN: In reply to a communication presented us by a committee of the House of Representatives, inquiring upon what terms rooms Nos. 75, 81, 57, 82 and 4, 5, 6, 7, 8 and 9, of Mansard floor, can be obtained for the use of the several committees and clerks of the House, we have the honor to say, that while the bill for the erection of a new State House was pending in the last session of the General Assembly we made a proposition to furnish, free of cost, suitable rooms for the occupancy of said General Assembly until the State could complete a new State House. We made the proposition in good faith, and have provided all necessary rooms for committees and clerks, and do not feel disposed to state terms for the rent for them, but would respectfully leave the matter of compensation for the occupancy of said committee and clerk rooms to be fixed by the General Assembly.

Very respectfully, yours,

WILLIAM WORMAN,

J. RUBUSH,

A. C. REMY,

Commissioners of Marion county.

January 14, 1879.

Mr. Miers moved to accept the proposition of Grand Hotel.

Mr. Lehman moved to amend by inserting Woodward Hotel.

The question being on the amendment, Mr. Faulkner and Mr. Rooker demanded the ayes and noes.

Those who voted in the affirmative were: Messrs. Alden, Briggs, Brown of Steuben, Carter, Compton, Dailey, Davidson, Davis, Edwins, Fancher, Galbraith, Handy, Hosmer, Humphreys, Huthsteiner, Lehman, Major, Mitchell, Rooker, Scholl, Shanks, Stucker, Willard and Wimmer—24.

Those who voted in the negative were: Messrs. Allen, Arnold of Grant and Blackford, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Carey, Confer, Connaway, Connor, Copeland, Cunningham, Dalton, Donnell, Drake, English, Faulkner, Flodder, Garrouette, Ginz, Golden, Gordon, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Rodman, Robinson, Saint, Schweitzer, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Works and Mr. Speaker—67.

The amendment was not agreed to.

The question recurring on the original motion, it was agreed to by a rising vote.

Mr. Overmyer offered the following resolution:

*Resolved*, That the janitor appointed by the clerks of the committees of the House be discharged, inasmuch as a janitor for the committee room will be furnished by the proprietor of the Grand Hotel.

Which was adopted.

House Bill No. 13. Introduced by Mr. Overmyer, was read a second time and referred to the committee on the organization of courts.

House Bill No. 14. Introduced by Mr. Reed, was read the second time and referred to the committee on corporations.

House Bill No. 15. Introduced by Mr. Lehman, was read the second time and referred to the committee on cities and towns.

House Bill No. 16. Introduced by Mr. Stevens, was read the second time and referred to the committee on education.

House Bill No. 17. Introduced by Mr. Dalton, was read the second time and referred to the committee on railroads.

House Bill No. 18. Introduced by Mr. Dalton, was read the second time and referred to the committee on the judiciary.



House Bill No. 19. Introduced by Mr. Edwins was read the second time and referred to the committee on rights and privileges of the inhabitants of the State.

House Bill No. 20. Introduced by Mr. Connor, was read a second time and referred to the committee on statistics and emigration.

Leave of absence was granted Mr. Schweitzer during the afternoon.

House Bill No. 21. Introduced by Mr. Connor, was read the second time and referred to the committee on county and township business.

House Bill No. 22. Introduced by Mr. Connor, was read the second time and referred to the committee on rights and privileges of the inhabitants of the State.

House Bill No. 23. Introduced by Mr. Herod, was read the second time and referred to the committee on the organization of courts.

House Bill No. 24. Introduced by Mr. English, was read the second time and, on motion, referred to the committee on affairs of the city of Indianapolis.

House Bill No. 25. Introduced by Mr. English, was read the second time and referred to the committee on apportionment.

Mr. Willard moved that the constitutional rules be suspended and House bill No. 26 be read by title only.

The question being, shall the rules be suspended?

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Rodman, Robinson, Rooker, Saint, Scholl, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess,



Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Willard, Wimmer, Works and Mr. Speaker—88.

No one voting in the negative.

The constitutional rule was suspended, and the bill read by title the second time and referred to the committee on ways and means.

House Bill No. 27. Introduced by Mr. English, was read the second time and referred to the committee on apportionment.

House Bill No. 28. Introduced by Mr. English, was read the second time and referred to the committee on apportionment.

House Bill No. 29. Introduced by Mr. Works, was read the second time and referred to the committee on the judiciary.

House Bill No. 30. Introduced by Mr. Works, was read the second time and referred to the committee on the judiciary.

House Bill No. 31. Introduced by Mr. Allen, was read the second time and referred to the committee on the judiciary.

On motion of Mr. Tulley, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## THURSDAY MORNING.

JANUARY 16, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by the Rev. G. T. Gillett, of Indianapolis.

The Journal of yesterday was read, in part, when, on motion of Mr. Edwins, the further reading thereof was dispensed with.

House Bill No. 152. Introduced by Mr. Compton, entitled "An act regulating the interest on money, accounts, judgments and decrees, and for the recovery of illegal interest paid; repealing all laws in conflict, and declaring an emergency."

Read the first time.

House Bill No. 153. Introduced by Mr. Stucker, entitled "An act to abolish the office of township assessor, and to transfer the duties and requirements of said office to the township trustee, who shall be *ex-officio* assessor of his township, and amendatory by certain acts therein named and sections therefor, and to add certain additional sections, and to repeal all laws in conflict with or inconsistent with this act, and, in consequence of heavy taxation, to reduce expenses, and declaring an emergency."

Read the first time.

House Bill No. 154. Introduced by Mr. Caldwell, entitled "An act to enable the owners of wet lands to drain and reclaim their said lands, where the work can be done without effecting the lands of other persons; prescribing the powers and duties of county commissioners and other county officials in the premises; providing for the repair of such drains, and repealing certain acts therein referred to."

Read the first time.

Mr. Caldwell offered the following resolution:

*Resolved*, That the committee on railroads be and they are hereby instructed to inquire into the expediency of so regulating the rates of freight and passage upon the railroads so far as possible; to equalize local and through freights and passage, reducing the same to some fixed standard not detrimental or damaging to the local business of the country, and to report by bill or otherwise.

Which resolution was adopted.

Mr. Caldwell offered the following resolution:

*Resolved*, That the credentials of members of this House be referred to the committee on elections, and that said committee be instructed to consider the same, and report to the House as soon as practicable.

Which resolution was adopted.

House Bill No. 155. Introduced by Mr. Donnell, entitled "An act declaring that alienage shall not work a corruption of blood."

Read the first time.

House Bill No. 156. Introduced by Mr. Donnell, entitled "An act to make execution plaintiff same as strangers at sheriffs' sales."

Read the first time.

House Bill No. 157. Introduced by Mr. March, entitled "An act to secure to married women the avails of their skill and services."

Read the first time.

House Bill No. 158. Introduced by Mr. March, entitled "A bill in relation to settlements made by boards of county commissioners with county, township, and school officers."

Read the first time.

House Bill No. 159. Introduced by Mr. March, entitled "A bill to secure homesteads to resident householders."

Read the first time.

Mr. Hart offered the following joint resolution :

"A joint resolution instructing our Senators and Representatives to procure the enactment of a law to reduce the salaries of federal officers."

Which joint resolution was read the first time and referred to the committee on federal relations.

House Bill No. 160. Introduced by Mr. Stevens, entitled "An act to amend section 27 of an act regulating descents and to apportionment of estates, approved May 14, 1852."

Read the first time.

House Bill No. 161. Introduced by Mr. Willard, entitled "A bill for an act to amend section 1 of an act entitled an act to exempt property from sale in certain cases, approved February 17, 1852."

Read the first time.

House Bill No. 162. Introduced by Mr. Willard, entitled "An act providing that in cases of assignment in trust for the benefit of creditors, persons performing labor within twelve months preceding such assignment shall be entitled to receive the full amount of wages due them from trust fund, provided such amount does not exceed three hundred dollars."

Read the first time.

House Bill No. 163. Introduced by Mr. Connaway, entitled "A bill to amend section 307 and to repeal sections 308, 309, 313 and 314 of an act entitled an act to revise, simplify and abridge the rules of practice, pleading and forms in civil cases in courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity."

Read the first time.

House Bill No. 164. Introduced by Mr. Connaway, entitled "A bill to amend the one hundred and ninety-ninth section of an act entitled an act to revise, simplify and abridge the rules, practice,



pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and provide for the administration of justice in a uniform mode of pleadings and practice without distinction between law and equity."

Read the first time.

House Bill No. 165. Introduced by Mr. Davidson, entitled "An act defining the crime of conversion by attorneys, lawyers, and constables at law, and prescribing the punishment therefor, and certifies duties of courts with reference thereto."

Read the first time.

House Bill No. 166. Introduced by Mr. Davidson, entitled "An act to provide for the protection of certain wild game therein named, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency."

Read the first time.

House Bill No. 167. Introduced by Mr. Davidson, entitled "An act to amend section 1 of an act entitled an act to prevent hunting and shooting on inclosed lands without the consent of the owner or occupant thereof, and providing a penalty therefor, approved March 7, 1873."

Read the first time.

Mr. Davidson made the following report:

MR. SPEAKER:

SIR: Your committee, to whom was referred resolution No. 44, of Mr. Shields, referring to overflowed lands, have had the same under consideration and have directed me to report the same back, with the recommendation that it be referred to the committee on dikes and drains.

Which report was concurred in.

Mr. Bryant was granted leave of absence for to-day.

House Bill No. 168. Introduced by Mr. Humphreys, entitled "An act to authorize cities and towns to issue bonds for the purpose of funding their indebtedness."

Read the first time.

House Bill No. 169. Introduced by Mr. Lindley, entitled "An act giving justices of the peace jurisdiction over all defendants in any suit upon a promissory note when the principal defendant



resides within the jurisdiction of each justice of the peace, and repealing all laws or parts of laws in conflict with the provisions of this act."

Read the first time.

House Bill No. 170. Introduced by Mr. Handy, entitled "An act allowing and authorizing all interested parties in all actions, civil and criminal, to offer themselves as witnesses in their own behalf and to testify fully in such cause."

Read the first time.

House Bill No. 171. Introduced by Mr. Handy, entitled "An act providing what rate of interest may be contracted for, charged and received for the loan or forbearance of money or other property; what rate of interest may be allowed on accounts and on judgments; providing for forfeiture for violations of the provisions of this act; declaring usury a misdemeanor, and fixing the punishment therefor; repealing conflicting laws, and declaring an emergency."

Read the first time.

House Bill No. 172. Introduced by Mr. Handy, entitled, "An act declaring the eligibility and qualification of supervisors of roads, and to repeal conflicting laws."

Read the first time.

House Bill No. 173. Introduced by Mr. Hess, entitled "An act authorizing justices of the peace to certify causes to the circuit or superior court in certain cases; to provide for the final determination thereof, and declaring an emergency."

Read the first time.

House Bill No. 174. Introduced by Mr. Golden, entitled "A bill for the repeal of section 11 of an act defining certain misdemeanors and prescribing penalties therefor, approved December 2, 1865, commonly known as the provoke law."

Read the first time.

Mr. Lehman offered the following resolution:

*Resolved*, That the Clerk of the House be instructed to have printed and laid upon desks of members, each Monday morning, a perfect calender of all bills and joint resolutions pending in the House; and such printing shall be done through the State Board of Printing.

Which resolution was adopted.

House Bill No. 176. Introduced by Mr. Saint, entitled "An act to prohibit plank, macadamized and gravel road companies from charging, collecting, or exacting toll for travel on their roads on the first day of the week, commonly called Sunday; repealing all acts inconsistent therewith, and providing a penalty."

Read the first time.

House Bill No. 176. Introduced by Mr. Saint, entitled "An act to amend section 1 of an act entitled an act to exempt property from sale in certain cases."

Read the first time.

Mr. Thayer offered the following resolution:

*Resolved*, That the following committee be directed to prepare and report to the House, at an early day, a bill on the subject of juries and the expense thereof, embracing the following points:

First. In the trial of all civil suits by jury, the number of freeholders to compose said juries may be any number, not less than six nor more than twelve, as the plaintiff and defendant may elect, or, when they fail to agree, as the court may direct.

Second. A sufficient amount to cover the entire expenses of juries, as above provided, shall be included in the costs, and collected according to the laws regulating the assessment and collection of costs in such cases.

Which resolution was adopted and referred to the committee on courts.

Mr. Copeland introduced the following resolution:

WHEREAS, The majority of bills introduced thus far by members of this House contain the emergency clause, causing the acts to be immediately in force on and after their passage, thereby making all persons liable to the provisions of said laws before the said laws have been fully published, or persons made acquainted with the provisions of said laws; therefore,

*Be it resolved*, That all committees of this House be instructed to carefully examine all bills referred to them, and be instructed to recommend the striking out said emergency clause in all bills, except in bills which, in their opinion, there exists a pressing and absolute demand that the bill should take effect at once, in order that all laws, as nearly as possible, shall take effect at the same time, to-wit: when published and distributed to the different counties throughout the State.

Read and laid on the table.

House Bill No. 177. Introduced by Mr. Copeland, "An act to authorize county commissioners to borrow money by the issuing of bonds of the county for the purpose of funding outstanding interest-bearing bonds and orders at a less rate of interest, and declaring an emergency."

Read the first time.

House Bill No. 178. Introduced by Mr. Fancher, entitled "An act to amend 674 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil actions in the courts of this State, so the question of suretyship may be tried and determined without the unnecessary pleadings and cost that is now occasioned by the relator."

Read the first time.

House Bill No. 179. Introduced by Mr. Connor, entitled "An act to prevent the manufacture and sale of adulterated commercial fertilizers."

Read the first time.

House Bill No. 180. Introduced by Mr. Connor, entitled "An act to prevent the destruction of baggage while being transported from one place to another."

Read the first time.

House Bill No. 181. Introduced by Mr. Robinson, entitled "An act concerning interest on money and judgments, and provide remedies for the recoupment of usurious interest, and penalties for the violation of this law, and repealing all other laws on this subject, and declaring an emergency."

Read the first time.

Mr. Gordon offered the following resolution :

*Resolved*, That the criminal law of the State be referred to a select committee of not less than three nor more than seven members, in the discretion of the Speaker, who shall appoint the same, with instructions to examine and, if practicable, collect, arrange, classify and report the same in one or more bills as may, in their opinion, be most conducive to the simplicity, clearness and easy understanding thereof by the people, together with such amendments and additions thereto as may be necessary to the more complete protection of the lives, persons, reputation, morals and property of the people; and if they shall not find that such collection, arrangements, classification and amendments shall not be practicable at the present



session of the General Assembly in time to be perfected thereat, that they report fully touching the means of securing such a codification of said laws, and whether the same may be desirable and practicable.

Which was adopted.

The Speaker appointed the following committee: Messrs. Gordon, Miers, Shutt, Osborn of Elkhart, Briggs, March and Saint.

Mr. Gordon offered the following resolution:

*Resolved.* That the committee on education be instructed to inquire whether the children of any class of the people are denied admission to the common schools of the State under existing laws and usages in their respective schools district, upon equal and the same terms with the children of any other class of the people; and if they find such denials to exist, or to be possible under said laws, to report a bill for prevention thereof by securing to the children of all classes, without distinction of color, race or previous condition of servitude, equal right to enter the common schools upon the same terms and conditions as may be accorded to other children of the people of the State.

Which was adopted.

House Bill No. 182. Introduced by Mr. Major, entitled "An act to exempt property from execution sale in certain cases."

Read the first time.

House Bill No. 183. Introduced by Mr. Major, "entitled "An act concerning licenses in certain cases."

Read the first time.

Leave of absence was granted Mr. Cunningham.

Mr. Schweitzer offered the following resolution:

*Resolved,* That the committee on benevolent institutions be and they are hereby requested to make inquiry into the expenses of said institutions, and report by bill or otherwise as to the expediency of reducing the same.

Which resolution was adopted.

House Bill No. 184. Introduced by Mr. Works, entitled "An act to amend section 2 of an act entitled an act defining who shall be competent witnesses in any court or judicial proceeding in this State, and to repeal all laws and parts of laws in conflict with this act, approved March 11, 1867."

Read the first time.



House Bill No. 185. Introduced by Mr. Allen, entitled "An act to amend section 195 of an act entitled an act to provide a uniform assessment of property and for the collection and return of taxes thereon, approved December 21, 1872."

Read the first time.

Mr. Kelly offered the following resolution :

*Resolved*, That the committee on temperance be and is hereby instructed to report a bill so amending the present license law for the sale of intoxicating liquor as to allow a majority of the legal voters of any township, town, city or ward, within which such liquors are to be sold, as shown by the last preceding election, to remonstrate against the granting of such license, and when such remonstrance is filed the commissioners shall not grant license therein.

Mr. Saint offered the following amendment:

To amend so as to read, "A majority of all persons over the age of twenty-one," instead of a majority of the legal voters.

Messrs. Kelly and Humphreys demanded the ayes and noes on the adoption of the amendment.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Brown of Steuben, Carey, Carter, Connaway, Connor, Copeland, Davidson, Davis, Donnell, Golden, Handy, Harland, Herod, Hess, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Mitchell, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Shanks, Shields, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vawter, Watson, and Works—48.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Daily, Dalton, Drake, Drover, English, Faulkner, Galbraith, Ginz, Hart, Hopkins, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Messick, Miers, Nave, Perry, Reichelderfer, Scholl, Schweitzer, Shauck, Stucker, Vanpelt, Wimmer and Mr. Speaker—36.

The motion was not agreed to.

Mr. Lehman moved to lay the resolution as amended on the table.

Messrs. Lehman and Overmyer demanded the ayes and noes on the motion to lay on the table.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Briggs, Brown of Jasper, Caldwell, Compton, Dailey, Dalton, Drake, Drover, English, Fancher, Faulkner, Galbraith, Ginz, Hart, Herod, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, Messick, Nave, Perry, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Thompson, Tulley, Vanpelt, Willard, Wimmer and Mr. Speaker—41.

Those who voted in the negative were: Messrs. Arnold of Wabash, Bearss, Blockley, Brown of Steuben, Carey, Carter, Confer, Conna-way, Connor, Copeland, Davidson, Davis, Donnell, Garrouette, Golden, Gordon, Handy, Harland, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Miers, Mitchell, Overmyer, Owen, Reed, Robeson, Rodman, Robinson, Rooker, Saint, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vawter, Watson and Works—45.

The motion to lie on the table did not prevail.

Mr. Willard moved to adjourn.

Messrs. Willard and English demanded the ayes and noes on the motion to adjourn.

Those who voted in the affirmative were: Messrs. Alden, Allen, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, English, Fancher, Faulkner, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Messick, Nave, Perry, Reichelderfer, Rooker, Schweitzer, Shauck, Shields, Taylor of Daviess, Thompson, Tulley, Vanpelt, Willard and Mr. Speaker—42.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Brown of Steuben, Carey, Carter, Connaway, Connor, Copeland, Donnell, Golden, Gordon, Harland, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Miers, Mitchell, Overmyer, Owen, Reed, Robeson, Rodman, Saint, Scholl, Shanks, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Van Valzah, Vawter, Watson, Wimmer and Works—44.

The motion was not agreed to.

The question recurring on the adoption of the resolution as amended, Messrs. Overmyer and Lindley demanded the ayes and noes.

Mr. Thompson moved that the consideration of the resolution be indefinitely postponed.

Messrs. Thompson and Willard demanded the ayes and noes.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Drake, Drover, English, Fancher, Faulkner, Galbraith, Garrouette, Ginz, Hart, Herod, Hosmer, Humphreys Huthsteiner, Kester, Lehman, Messick, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Taylor of Davis, Taylor of Warrick, Thompson, Tulley, Vanpelt, Willard and Mr. Speaker—44.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Brown of Steuben, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Golden, Gordon, Handy, Harland, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Miers, Overmyer, Owen, Reed, Robeson, Rodman, Rooker, Saint, Shanks, Skinner, Snoddy Stevens, Stucker, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—44.

The motion to indefinitely postpone did not prevail.

Mr. Willard moved to adjourn.

Messrs. Overmyer and Gordon demanded the ayes and noes.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, English, Fancher, Faulkner, Galbraith, Garrouette, Ginz, Hart, Herod, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Thompson, Tulley, Vanpelt, Willard, Wimmer and Mr. Speaker—50.

Those who voted in the negative were: Messrs. Arnold of Wabash, Bearss, Brown of Steuben, Carey, Carter, Connaway, Connor, Copeland, Donnell, Golden, Gordon, Handy, Harland, Hess, Hopkins, Hubbard Kelly, Kirkpatrick, Lindley, March, Major, Overmyer, Owen, Reed, Robeson, Rodman, Saint, Shanks, Skinner,



Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vawter, Watson and Works—38.

Which motion prevailed, and the House adjourned until two o'clock this afternoon.

---

## AFTERNOON SESSION.

JANUARY 16, 1879.

Mr. Humphreys moved a call of the House.

Which was agreed to.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Compton, Confer, Connaway, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Rodman, Robinson, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker.

Mr. Humphreys moved that further proceeding under the call of the House be dispensed with.

Which was agreed to.

Mr. English offered the following amendment to the resolution of Mr. Kelly:

To amend so as to read: "That the committee on temperance be instructed to inquire into the expediency of reporting a bill."

Messrs. Owen and Willard demanded the ayes and noes on the adoption of the amendment.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Compton, Confer,



Connor, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hosmer, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Perry, Reichelderfer, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Sleeth, Stevens, Stucker, Taylor of Daviess, Thompson, Tulley, Vanpelt, Van Valzah, Vawter, Willard, Wimmer, Works and Mr. Speaker—65.

Those who voted in the negative were: Messrs. Arnold of Wabash, Connaway, Donnell, Golden, Gordon, Harland, Hess, Hopkins, Hubbard, Kelly, Lindley, Major, March, Owen, Reed, Robeson, Rodman, Robinson, Saint, Shanks, Skinner, Snoddy, Taylor of Lagrange, Thayer, Thornburg and Watson—26.

The resolution of Mr. Kelly, as amended by Mr. Saint, and the amendment to the amendment by Mr. English, was adopted.

Mr. Lehman moved that the House go into committee of the whole, with Mr. Tulley in the chair.

Which was agreed to.

The committee arose, and Mr. Tulley, chairman, made the following report:

MR. SPEAKER:

The committee of the whole House have had under consideration the constitutional amendments, and have instructed me to report progress and have leave to sit again.

Which report was concurred in.

House Bill No. 186. Introduced by Mr. Huthsteiner, entitled "A bill in regard to sales on execution, and in certain cases subrogating the purchase at such sales to the rights of the judgment and execution plaintiff."

Read the first time.

House Bill No. 187. Introduced by Mr. Blockley, entitled "An act defining the meaning of the first proviso of the second section of an act entitled an act to provide for the re-location of county seats, and for the erection of county buildings in counties in case of such re-location, approved March 2, 1855."

Read the first time.

Mr. Taylor, of Davis, offered the following resolution:

*Resolved*, That the Secretary of State be requested to certify to the House of Representatives of the General Assembly of the State

of Indiana the joint resolutions proposing amendments to the constitution of the State of Indiana.

Which resolution was adopted.

House Bill No. 188. Introduced by Mr. Faulkner, entitled "A bill to regulate fire insurance companies and to provide for the canceling of policies of insurance therein named, and terminating certain contracts for insurance, and to prohibit the bringing of suits in any of the courts in the State in certain cases therein named."

Read the first time.

House Bill No. 189. Introduced by Mr. Faulkner, entitled "A bill to provide for the assessment and taxation of the property of telegraph companies, which may be situate in whole or in part in the State of Indiana."

Read the first time.

Mr. Faulkner offered the following resolution:

*Resolved*, That the judiciary committee be instructed to ascertain and report what officers are to be elected at this session of the Legislature for the government of the prisons and benevolent institutions, as also the names of the persons and dates when their terms expire.

Which was adopted.

House Bill No. 190. Introduced by Mr. Vawter, entitled "A bill for the relief of persons whose property was taken, injured or destroyed by the United States or State troops under the command of Generals Hobson, Love, Wilcox and others while in pursuit of the rebel forces under John Morgan in the year 1863."

Read the first time.

House Bill No. 191. Introduced by Mr. Edwins, entitled "An act to authorize and empower county auditors to take acknowledgments of deeds, mortgages and other legal instruments, and fixing the compensation therefor."

Read the first time.

House Bill No. 192. Introduced by Mr. Shutt, entitled "An act to legalize the incorporation of the town of Butler in Dekalb county, in the State of Indiana, and to legalize each and every official act of the several boards of trustees of said town, and all official acts of each and every officer of said town, and other matter."

Read the first time.

Mr. Tulley offered the following resolution:

*Resolved*, That the committee on the judiciary be and they are hereby requested and directed to inquire into and report to this House whether, in their opinion, an act can be passed by the General Assembly that would be constitutional, providing for cumulative voting for Senators and Representatives of the General Assembly, and that they report at an early day.

Which was adopted.

House Bill No. 193. Introduced by Mr. Tulley, entitled "A bill to enable any surety, upon any note, bond, or other written instrument or agreement, to file cross-complaint in any action thereon against the principal on such note, bond, or other written agreement at the time of the original suit upon such written agreement, and have the question of suretyship to be tried and determined with the suit upon such instrument, and to have execution on principal's property first, and to prevent stay of the same without special undertaking to pay same, and declaring an emergency."

Read the first time.

Mr. Arnold, of Wabash, offered the following resolution:

*Resolved*, That we congratulate the country on the successful accomplishment of specie resumption; that the best interest of the people of the United States demand that specie payment shall be maintained, and that we discountenance all action that would in any way operate against the successful maintenance of such specie payments.

Mr. Willard moved to refer to the committee on federal relations.

Mr. Overmyer moved to lay the motion on the table, and Messrs Overmyer and Gordon demanded the ayes and noes, and the roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Robeson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Works—35.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Dailey, Dalton, Davidson, Drake, Drover, Edwins,



English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Robinson, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah Willard, Wimmer and Mr. Speaker—55.

The motion to lie on the table was not agreed to.

Mr. Overmyer moved to refer to the committee of the whole House on Monday next at two o'clock P. M.

Mr. Lehman moved to lay the motion on the table.

Messrs. Overmyer and Gordon demanded the ayes and noes.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer and Mr. Speaker—52.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Berass, Brown of Stuben, Carey, Carter, Conaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Hart, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Robeson, Rodman, Robinson, Rooker, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Works—40.

The motion was agreed to.

Mr. Briggs moved the previous question,  
Which was seconded by the House.

The question being, shall the main question be now put?

It was decided in the affirmative.

The motion was thereupon adopted.

The following communication was received from the Governor:

*Gentlemen of the House of Representatives:*

I respectfully recommend that the General Assembly, by law or joint resolution, make some disposition of the records, books and papers pertaining to the Morgan raid claims commissions. They were submitted to the General Assembly in 1869, by message of



the Governor, a copy of which is inclosed. In the absence of any law or other legislative direction, they have remained in the custody of this office during the ten years which have elapsed. They have been securely boxed and safely kept to await some direction for their permanent preservation by an administrative officer authorized to place them in a form convenient for the use of the public, and especially of the persons immediately interested in their contents. Frequent applications have been received from claimants for leave to withdraw their papers for use in prosecuting claims against the general government, or for certified copies of the same. I could only reply that the papers could not be withdrawn, nor even disturbed, and that no officer is authorized to certify their contents.

JAMES D. WILLIAMS.

Governor's Office, January 16, 1879.

The following message was received from His Excellency, the Governor:

*Gentlemen of the House of Representatives:*

I respectfully transmit for your consideration a copy of a communication received by me December 14, 1877, from the Secretary of War, and the original draft of a bill referred to and inclosed therein for "An act to facilitate the transfer to the United States of the title to the Antietam National Cemetery in the State of Maryland."

JAMES D. WILLIAMS.

Governor's Office, January 16, 1879.

WAR DEPARTMENT,

WASHINGTON CITY, DECEMBER 11, 1877.

SIR: I have the honor to request your assistance in the matter of securing to the United States a legal title to the land occupied by the Antietam National Cemetery, near Sharpsburg, Maryland.

Congress, by act of March 2, 1877, authorized the Secretary of War to pay the outstanding indebtedness of the board of trustees of this cemetery, and appropriated money therefor, adding a proviso that payment of such indebtedness shall not be made until the legal title to the property shall be vested in the United States.

It appears that the title to this property is vested in the State of Maryland as trustee for the several States that contributed towards its establishment and maintenance; and before the title thereof can

be transferred to the United States, the consent of these several States to such transfer must first be obtained.

The State of Indiana, being one of the parties at interest, you are requested to bring the matter to the attention of the Legislature at the earliest opportunity, with a view to furthering the object desired.

A draft of a bill such as is thought would, if passed, meet the requirements of the case is herewith inclosed.

Very respectfully,

Your obedient servant,

GEORGE N. McCRARY,

Secretary of War.

To the Governor of the State of Indiana, Indianapolis.

#### COPY OF THE BILL SUBMITTED.

"An act to facilitate the transfer to the United States of the title to the Antietam National Cemetery in the State of Maryland.

"*Be it resolved, etc.,* That the State of Maryland be and is hereby authorized to convey to the United States all the right, title and interest of the State of Indian in and to the land occupied by the Antietam National Cemetery in the county of Washington, in the said State of Maryland; and if the said State of Maryland shall have already made such transfer of title to the United States, the assent thereto of the State of Indiana is hereby granted. The Governor of this commonwealth is requested to transmit a copy of this act to the President of the United States, and to the Governor of the State of Maryland."

Engrossed Senate Bill No. 32 was read the first time.

Mr. Osborn, of Elkhart and Noble, moved to suspend the constitutional rules so that the bill may be read the second and third times and put upon its passage.

On motion to suspend the rules, the roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant and Blackford, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Carey, Carter, Campbell, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Flodder, Garrouette, Ginz, Handy, Hess, Hopkins, Hosmer, Huthsteiner, Kester, Kirkpatrick, Lehman, Major, March, Messick, Osborn of Elkhart, Perry, Reichelderfer,

Rooker, Saint, Scholl, Shanks, Shields, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Warrick, Thompson, Van Valzah, Vawter, Watson, Willard and Wimmer—56.

Those who voted in the negative were: Messrs. Brown of Steuben, Connaway, Connor, Copeland, Donnell, Fancher, Faulkner, Galbraith, Golden, Gordon, Harland, Humphreys, Kelly, Lindley, Miers, Mitchell, Nave, Overmyer, Owen, Reed, Robeson, Rodman, Robinson, Schweitzer, Shauck, Shutt, Skinner, Stucker, Taylor of Lagrange, Thayer, Thornburg, Tulley, Vanpelt, Works and Mr. Speaker—35.

The constitutional rule was not suspended, and the bill passed to a second reading.

Engrosed Senate Bill No. 51 was read the second time and referred to the committee on organization of courts.

The following message was received from the Senate.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed House joint resolution No. 12, soliciting the influence of the members of Congress from this State to place certain articles of medicine on the free list; and the same is herewith returned and submitted to the House of Representatives for its further action thereon.

D. D. DALE, Secretary.

January 16, 1879.

On motion, the resolution was ordered to be enrolled.

Mr. Sleeth introduced the following resolution:

*Resolved*, That it is the sense of this House that the committee on ways and means should, if found practicable, report such amendments to the general assessment laws as will require each tax payer of the State to be listed and pay taxes on what he is actually worth over and above his *bona fide* indebtedness, as near as practicable.

First. By requiring each person listed for taxation, in making out his or her list of taxable property, to set out the entire amount of all his notes, claims and demands against any person or corporation which he claims in law or equity at their full amount, together with the cash value thereof; also all moneys on hand in bank or elsewhere belonging to him or her. He shall also list the full amount of all debts which he admits to be *bona fide* debts against him or her at the full amount, together with what is admitted to be



the real cash value at the time: *Provided, however,* That each person shall specify what portion of such money so reported, if any, is in greenbacks or other non-taxable obligations, and such person shall be allowed to deduct his or her *bona fide* indebtedness at its cash value as reported by him or her from the cash value of what he has reported owing to him from all sources. He may also deduct from the moneys on hand, except greenbacks or other non-taxable obligations; nor shall he enter for deduction from which he has ever been discharged in bankruptcy.

Second. That such bills should be so amended that all property shall, as near as possible, be once taxed for all general and municipal purposes, and but once each year.

Which resolution was adopted.

Mr. Scholl offered the following resolution:

*Resolved,* That the Doorkeeper of this House be and is hereby ordered to lower the upper sashes of the upper windows of this hall each evening immediately after the adjournment of this House, and keep them so lowered for at least one hour.

Which was adopted.

House Bill No. 32. Introduced by Mr. Watson, was read the second time and referred to the committee on the judiciary.

House Bill No. 33. Introduced by Mr. Watson, was read the second time and referred to the committee on the judiciary.

House Bill No. 35. Introduced by Mr. Watson, was read the second time and referred to the committee on the judiciary.

House Bill No. 36. Introduced by Mr. Watson, was read the second time and referred to committee on temperance.

House Bill No. 37. Introduced by Mr. Faulkner, was read the second time and referred to the committee on fees and salaries.

House Bill No. 38. Introduced by Mr. Faulkner, was read the second time and referred to committee on the judiciary.

House Bill No. 39. Introduced by Mr. Faulkner, was read the second time and referred to committee on the judiciary.

House Bill No. 40. Introduced by Mr. Faulkner, was read the second time and referred to the committee on the judiciary.

House Bill No. 41. Introduced by Mr. Baker, was read the second time and referred to the committee on county and township business.



Mr. Reed offered the following resolution :

WHEREAS, Mr. Campbell, a Republican member of the committee on elections, is absent, by leave of the House, on account of sickness in his family ; therefore,

*Resolved*, That the Speaker be requested to appoint another Republican member of the House to serve on said committee in the place of said absentee until his return.

Which was adopted, and Mr. Overmyer was appointed.

On motion of Mr. Handy, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## FRIDAY MORNING.

JANUARY 17, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by the Rev. T. H. Lynch, of Indianapolis.

The Journal of yesterday's proceedings was read, in part, when, on motion of Mr. Tulley, the further reading thereof was dispensed with.

Leave of absence was granted Mr. Overmyer until Monday.

Leave of absence was granted Mr. Rooker.

Mr. Lehman offered the following resolution :

*Resolved*, That the proposition of the Grand Hotel for committee rooms, adopted on Thursday last, be and the same is hereby rescinded, and the offer of the Occidental Hotel of rooms "G," 149 and 151, on office floor ; rooms 119, together with the use of rooms 124 and 126, on second floor, when necessary—the last three being on second floor, including lights, fuel and janitor, all for the sum of \$185 for the regular session of the Legislature, be and the same is hereby accepted.

Mr. Gordon moved to strike out all that refers to the Occidental Hotel.

Which was accepted.

The motion to rescind the proposition of the Grand Hotel was agreed to.

Mr. Lehman moved that the proposition of the Occidental Hotel be accepted.

Mr. Reed moved to amend by referring to a special committee. Which was agreed to.

Mr. Herod moved that a new committee be appointed. Which was agreed to.

The chair appointed the following committee: Messrs. Herod, Briggs and Humphreys.

Mr. Bryant was granted leave of absence.

Mr. Davidson offered the following resolution:

*Resolved by the House (the Senate concurring),* That our Senators in Congress be instructed and our Representatives be requested to use all proper means to secure the early repeal of the present national banking law, and the substitution of an equal amount of treasury notes, commonly called "greenbacks," in lieu of all such national bank notes, and that copies of this resolution be forwarded to each of our Senators and Representatives in Congress.

Mr. Lindley moved to refer to the committee on federal relations.

Mr. Willard moved to lay the motion of Mr. Lindley on the table.

Which was agreed to.

Mr. Herod moved to refer to the committee of the whole House on Monday, at 2 P. M.

Mr. Willard moved to lay on the table.

Which was concurred in.

Mr. Gordon moved to refer the resolution to the committee on the judiciary, with instructions to inquire and report, at an early day, whether the said resolution be constitutional or not.

Mr. Willard moved to lay Mr. Gordon's motion on the table.

Messrs. Gordon and Sleeth demanded the ayes and noes on the motion to lay on the table. The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Comp-ton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake,

Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—54.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Owen, Reed, Robeson, Rodman, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—35.

The motion to lay on the table prevailed.

Mr. Willard moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was decided in the affirmative.

The question recurring on the passage of the resolution, Messrs. Gordon and Sluth demanded the ayes and noes. The roll was called.

Those who voted in the affirmative were: Messrs Alden, Allen, Baker, Barker, Blockly, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davison, Davis, Drake, Drover, Edwin, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, Miers, Mitchell, Nave, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Watson, Willard, Wimmer, Works and Mr. Speaker—53.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kelley, Kirkpatrick, Lindley, March, Messick, Owen, Reed, Robeson, Rodman, Robinson, Shanks, Skinner, Sleeth, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—38.

The resolution was adopted.



Mr. Herod offered the following resolution:

*Resolved*, That on and after Monday next the daily sessions of this House begin at ten o'clock in the morning.

Mr. Shanks moved to amend by inserting 12 m.

Which was not agreed to.

On motion of Mr. Herod, the resolution was laid over, under the rules, until to-morrow.

House Bill No. 174. Introduced by Mr. Reichelderfer, entitled "An act to repeal and amend certain sections of an act to regulate and license the sale of spirituous, vinous and malt and other intoxicating liquors; to limit the license fee to be charged by cities and towns; prescribing the penalties for intoxication; and providing for the recovery of damages for injuries growing out of unlawful sales of intoxicating liquors; to repeal all former laws regulating the sale of intoxicating liquors, and all laws and parts of laws coming in conflict with the provisions of this act, prescribing penalties for the violation thereof, and declaring an emergency, passed March 17, 1875; and to repeal all laws and parts of laws inconsistent therewith; and also to repeal sections 1 and 2 of an act to prohibit the sale of spirituous, vinous, malt and other intoxicating liquors on Sunday, or upon the fourth of July, the first day of January, and the twenty-fifth day of December, commonly called Christmas, or Thanksgiving day, or upon the day of any state, county, township or municipal election; and to prohibit the sale of such liquors on any of said days by any druggist or druggist's clerk, except in cases therein provided; declaring the violation thereof a misdemeanor, and prescribing the penalties therefor, approved March 5, 1877."

Read the first time.

House Bill No. 195. Introduced by Mr. Sholl, entitled "An act for the relief of the estate of John T. Bishop, deceased, the estate of Almon Lyon, deceased, Jacob C. Neff and Robert M. Carney, surety on the official bond of Robert K. Rhea, former trustee of Washington township, Cass county, Indiana, revoking the conditions of the bond, and declaring an emergency."

Read the first time.

Mr. Scholl presented a petition from the citizens of Carroll county to go with House bill 195, for the relief of the bondsman of R. K. Rhea.

So ordered.



House Bill No. 196. Introduced by Mr. Compton, entitled "An act prescribing when guardians shall make their reports and when they shall file a new bond."

Read the first time.

House Bill No. 197. Introduced by Mr. Caldwell, entitled "An act to amend section No. 2 of an act entitled an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877."

Read the first time.

Mr. Caldwell offered the following resolution ;

*Resolved*, That in the judgment of this House there is no necessity for an increase of state indebtedness or for increased taxation, and in view of the condition of our state finances, the expenditures of the State should be reduced to the lowest point consistent with a proper administration of public affairs.

Which was adopted.

House Bill No. 198. Introduced by Mr. Stucker, entitled "An act providing for reducing the jurisdiction of the civil circuit courts, grand juries, and increasing the criminal jurisdiction of justices of the peace; and amendatory of section 5 of an act providing for the organization of circuit courts, approved June 1, 1852; and also amendatory of section 14 of an act to limit the number of grand jurors and define their jurisdiction, approved March 4, 1852; and also amendatory of an act prescribing the duties and jurisdiction of justices of the peace, approved May 29, 1852; and abolishing criminal circuit courts, transferring their business to the circuit courts; and abolishing the offices of criminal circuit judge and criminal court prosecuting attorney, and repealing all laws in conflict with the provisions of this act."

Read the first time.

The following message was received from the Senate :

MR. SPEAKER :

I am directed by the President of the Senate to inform the House that the President has signed enrolled House joint resolution No. 12, entitled "A joint resolution soliciting the influence of the members of Congress from this State to place certain articles of medicine on the free list," and the same is herewith transmitted to the House.

D. D. DALE, Secretary.

House Bill No. 199. Introduced by Mr. March, entitled "A bill to amend section 2 of an act entitled an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877."

Read the first time.

House Bill No. 200. Introduced by Mr. Shutt, entitled "An act to amend sections 1 and 5, Acts Regular Session 1877, pages 28-30."

Read the first time.

House Bill No. 201. Introduced by Mr. Shutt, entitled "An act prohibiting minors at liquor saloons, etc."

Read the first time.

House Bill No. 202. Introduced by Mr. Connaway, entitled "An act authorizing incorporated towns to exact a license for the sale of spirituous, vinous and malt liquors within such towns, and declaring an emergency."

Read the first time.

House Bill No. 203. Introduced by Mr. Davidson, entitled "An act to enable cities incorporated under the general laws of this State to aid in the construction of railroads, gravel roads, macadamized roads, machine shops, hydraulic and water companies and bridges, repealing certain laws, and declaring an emergency."

Read the first time.

House Bill No. 204. Introduced by Mr. Carey, entitled "An act to furnish executors, administrators, guardians and commissioners to sell property, attorneys and agents who may unlawfully retain moneys intrusted to them."

Read the first time.

House Bill No. 205. Introduced by Mr. Arnold, entitled "An act to amend section 27 of an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases."

Read the first time.

House Bill No. 206. Introduced by Mr. Arnold, entitled "An act authorizing county commissioners to pay constables and marshals of incorporated towns certain expenses, and declaring an emergency."

Read the first time.

House Bill No. 207. Introduced by Mr. Lindley, entitled "An act prescribing the time and manner of electing supervisors and other matters pertaining thereto and repealing all laws or parts of laws in conflict herewith."

Read the first time.

House Bill No. 208. Introduced by Mr. Handy, entitled "An act to exempt from forced sale on judicial process to all householders and heads of families a certain amount in value of property prohibiting evasions thereof, and declaring an emergency."

Read the first time.

House Joint Resolution No. 14. Offered by Mr. Handy, "A joint resolution on the subject of Mormonism, polygamy and its suppression."

Read, and on motion of Mr. Dailey, was referred to the committee on federal relations.

Mr. Johnston offered the following joint resolution :

Joint Resolution No. 15. A joint resolution instructing our Senators and requestng our Representatives in Congress :

*Resolved by the General Assembly of the State of Indiana, That our Senators be instructed and our Representatives be requested to use their influence and votes to procure the passage of the necessary laws to carry into effect the following principles as herein set forth, to-wit:*

First. The unconditional repeal of the specie resumption act, and the act exempting bonds and greenbacks from taxation.

Second. The abolition of all bank issues and the free and unlimited coinage of gold and silver; the issuing by the general government a full legal tender paper money receivable for all dues, public and private, in amount sufficient to meet the wants of trade, or at least thirty dollars per capita; to provide the further issuing of interest-bearing government bonds; that Congress take immediate steps whereby the bonded indebtedness of the government shall be paid off as fast as the same become due according to the contract under which the bonds were issued; that Congress pass a law limiting the rate of interest to not over six per cent. per annum, and fixing a penalty for violating the same.

*Be it further resolved, That the Governor is hereby requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.*



Mr. Hess moved to refer to the committee on federal relations.  
Which motion was withdrawn.

Mr. Osborn, of Elkhart, moved to indefinitely postpone the consideration of the resolution.

Mr. Reed moved to lay the motion to postpone on the table.

Messrs. Gordon and Reed demanded the ayes and noes on the motion to lay on the table.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Bearss, Briggs, Brown of Steuben, Caldwell, Carey, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dalton, Davidson, Davis, Donnell, Drover, Fancher, Flodder, Galbraith, Golden, Gordon, Handy, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnson, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Owen, Perry, Reed, Robeson, Rodman, Robinson, Rooker, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Wimmer and Mr. Speaker—70.

Those who voted in the negative were: Messrs. Allen, Barker, Blackley, Brown of Jasper, Dailey Drake, Evans, English, Faulkner, Ginz, Hart, Hosmer, Kester, Lehman, Osborn of Elkhart, Reichelderfer, Saint, Scholl, Thompson and Willard—22.

The motion to lay on the table prevailed.

Mr. Osborn, of Elkhart, moved to postpone until March 1, 1879.

Mr. Lehman moved to adjourn until two o'clock P. M.

Which was agreed to.

---

## AFTERNOON SESSION.

JANUARY 17, 1879.

Mr. Johnson's resolution coming up as unfinished business, as first in order.

The question being on the motion of Mr. Osborn, of Elkhart, to postpone the further consideration thereof until March first next, at 10 o'clock.



On motion of Mr. Willard, the motion to postpone was laid on the table.

Mr. Johnson moved the previous question, which was seconded by the House.

The question being, shall the main question be now put?

It was decided in the affirmative.

A division of the question was demanded by a member and allowed by the Speaker.

The question being on the adoption of the first clause of the first resolution as follows, viz: To instruct our Senators and request our Representatives to vote for the unconditional repeal of the specie resumption act.

Messrs. Gordon and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Johnston, Kester, Major, Miers, Mitchell, Perry, Reichelderfer, Saint, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer and Works—50.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Carey, Conaway, Connor, Copeland, Donnell, English, Fancher, Golden, Gordon, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick, Lehman, Lindley, March, Nave, Osborn of Elkhart, Owen, Reed, Robeson, Rodman, Robinson, Scholl, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Mr. Speaker—40.

The first clause of the first resolution was adopted.

The question recurring on the second clause of the first resolution, to-wit: To instruct our Senators and request our Representatives to vote for the repeal of the act exempting bonds from taxation.

Messrs. Gordon and Owen demanded the ayes and noes on the second clause of the first section.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Johnston, Kester, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Stucker, Taylor of Daviess, Taylor of Warriek, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—37.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick, Lehman, Lindley, March, Owen, Reed, Robeson, Rodman, Robinson, Shanks, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—34.

Which was adopted.

The question recurring on the adoption of the third clause of the first resolution, to-wit: To instruct our Senators and request our Representatives to vote for the repeal of the act exempting greenbacks from taxation.

Messrs. Gordon and Owen demanded the ayes and noes on the third clause of the first section.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carey, Compton, Confer, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hart, Herod, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reed, Reichelderfer, Rodman, Robinson, Saint, Shauck, Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Lagrange, Taylor of Daviess, Taylor of Warriek, Thayer, Thomson, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—76.

Those who voted in the negative were: Messrs. Bearss, Brown of Steuben, Connaway, Connor, Donnell, Gordon, Hess, Owen, Robeson, Sleeth, Snoddy and Thornburg—12.

The third clause of the first resolution was adopted.

On the adoption of the second resolution of Mr. Johnson's series of resolutions, Mr. Shanks moved to separate the same, which was allowed, and the question divided accordingly.

The question being upon the adoption of the first clause of the second resolution, to-wit: To instruct our Senators and request our Representatives in Congress to vote for the abolition of all bank issues.

Messrs. Gordon and Hubbard demanded the ayes and noes on the first clause of the second resolution.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carey, Carter, Compton, Confer, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer and Works—59.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Jasper, Connaway, Connor, Donnell, Fancher, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Owen, Reed, Robeson, Rodman, Robinson, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, and Mr. Speaker—32.

The first clause of the second resolution was adopted.

The question recurring on the adoption of the second clause of the second resolution, to-wit: To instruct our Senators and request our Representatives in Congress to vote for the unlimited coinage of gold and silver.

Messrs. Gordon and Owen demanded the ayes and noes on the second clause of the second resolution.

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Carter, Compton, Confer, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reed, Reichelderfer, Robeson, Rodman, Robinson, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—85.

Those who voted in the negative were: Messrs. Arnold of Grant, Connaway, Donnell, Gordon and Owen—5.

The second clause of the second resolution was adopted.

The question recurring on the adoption of the third resolution of the series, viz: To instruct our Senators and request our Representatives to vote for the issuing by the general government of full legal tender paper money, receivable for all dues, public and private, in amount sufficient to meet the wants of trade, or at least thirty dollars per capita.

Messrs. Gordon and Owen demanded the ayes and noes on the adoption of the third section.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hart, Hosmer, Humphreys, Johnston, Kester, Major, Miers, Mitchell, Osborn of Elkhart, Reichelderfer, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Van Valzah, Willard, Wimmr and Works—50.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Carey, Connaway, Connor, Donnell, English, Fancher, Ginz, Gordon, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kirkpatrick, Lehman,



Lindley, March, Nave, Owen, Reed, Robeson, Rodman, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson and Mr. Speaker—40.

The third resolution was adopted.

The question recurring on the adoption of the fourth resolution of the series, to-wit : To instruct our Senators and request our Representatives in Congress to vote for a law to prohibit the further issuing of interest-bearing government bonds.

Messrs. March and Kelly demanded the ayes and noes on the fourth resolution.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davis, Drake, Drovers, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hart, Hosmer, Humphreys, Johnston, Kester, Major, Miers, Mitchell, Saint, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warriek, Van Valzah, Willard, Wimmer and Works—43.

Those who voted in the negative were: Messrs. Arnold of Grant and Blackford, Arnold of Wabash, Bearss, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, English, Fancher, Gordon, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kirkpatrick, Lehman, Lindley, March, Nave, Osborn of Elkhart, Owen, Reed, Reichelderfer, Robeson, Rodman, Robinson, Scholl, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson and Mr. Speaker—45.

The fourth resolution of the series was not adopted.

The question recurring on the adoption of the fifth resolution of the series, to-wit: That Congress take immediate steps whereby the bonded indebtedness of the government shall be paid off as fast as the same may become due according to the contracts under which the bonds were issued.

Messrs. Gordon and Owen demanded the ayes and noes on the fifth resolution.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant and Blackford, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Reed, Reichelderfer, Robeson, Rodman, Robinson, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warriek, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—84.

Those who voted in the negative were: Messrs. Donnell, Gordon, Owen and Saint—4.

The fifth resolution of the series was adopted.

The question recurring on the adoption of the sixth resolution of the series, to-wit: To instruct our Senators and request our Representatives in Congress to vote for a law limiting the rate of interest to not over six per cent., and fixing a penalty for violating the same.

Messrs. Gordon and Robinson demanded the ayes and noes on the sixth resolution.

The roll was called.

Those who voted in the affirmative were: Messrs. Brown of Jasper, Carey, Carter, Connaway, Dalton, Davidson, Davis, Edwins, English, Galbraith, Hess, Huthsteiner, Johnston, Kelly, Lindley, Major, March, Owen, Rodmen, Shauck, Shutt, Taylor of Lagrange, Thayer, Van Valzah, Willard and Works—27.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Steuben, Caldwell, Compton, Confer, Connor, Copeland, Cunningham, Dailey, Donnell, Drake, Drover, Faulkner, Flodder, Garrouette, Ginz, Gordon, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Humphreys, Kester, Kirkpatrick, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reed, Reichelderfer, Robeson, Robinson, Saint, Scholl, Schweitzer, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor

of Warriek, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer and Mr. Speaker—63.

The sixth resolution of the series was not adopted.

House Bill No. 209. Introduced by Mr. Johnston, entitled "An act to amend the fourth section to authorize the formation of companies for the detection and apprehension of horsethieves and other felons, and for mutual protection, and repealing all laws inconsistent therewith, and to give county boards discretionary power to make allowances to such companies for the apprehension and conviction of horsethieves and other felons."

Read the first time.

Mr. Johnston introduced Joint Resolution No. 15, as follows: A joint resolution instructing our Senators and Representatives in Congress.

WHEREAS, The financial policy adopted by President Grant and the Secretary of the Treasury in 1875, and continued by President Hayes and the present Secretary of the Treasury, to contract the volume of money in circulation in order to reach specie resumption in 1879, has had a disastrous and ruinous effect upon the masses of the people, and brought ruin and bankruptcy to all kinds of business, by reducing property and labor to the present low prices, rendering the people unable to pay their taxes and other obligations, without any corresponding reduction in the expenses of the general government; and

WHEREAS, The present policy of the government has rendered the price of labor and all kinds of farm products, as well as real estate, to about one-half its value ten years ago;

*Be it therefore resolved*, That our Senators be directed and our Representative requested to use their influence and vote for a law reducing the salary of the President, foreign Ministers, Supreme Judges, Secretaries of the several departments of government officers, and Senators and Representatives to one-half what they are at present.

*Resolved*, That the Governor be requested to forward a copy of this preamble and resolutions to each of our Senators and Representatives in Congress.

Mr. Reed moved to refer to the committee on federal relations.

Mr. Works moved to lay the motion on the table.

Messrs Gordon and Thayer demanded the ayes and noes.

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant and Blackford, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Carey, Carter, Compton, Confer, Copeland, Dalton, Davidson, Davis, Drake, Edwins, Fancher, Faulkner, Flodder, Ginz, Handy, Hart, Hosmer, Humphreys, Johnston, Kelly, Major Miers, Mitchell, Osborn of Elkhart, Owen, Perry, Reichelderfer, Saint, Schweitzer, Shanks, Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer and Works—53.

Those who voted in the negative were: Messrs. Barker, Bearss, Brown of Steuben, Connaway, Connor, Cunningham, Dailey, Donnell, Drover, English, Galbraith, Garrouette, Gordon, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kester, Kirkpatrick, Lehman, Lindley, March, Nave, Reed, Robeson, Rodman, Robinson, Scholl, Shauck, Sleeth, Snoddy, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Mr. Speaker—39.

The motion to lay on the table was agreed to.

The question recurring on the adoption of the resolution, the same was thereupon adopted.

Mr. Rooker was granted leave of absence.

Mr. Golden was granted leave of absence until Monday at ten o'clock, A. M.

Mr. Harland was granted leave of absence.

Mr. Caldwell was granted leave of absence until Monday.

Mr. Cunningham offered the following resolution:

*Resolved*, That all resolutions relating to national affairs, which may hereafter be introduced by any member of the House, shall be referred to the committee on federal relations without debate.

Which was adopted.

Mr. Reed offered the following amendment:

That hereafter all concurrent resolutions to instruct our Senators and Representatives in Congress be referred to the committee on federal relations as soon as read without debate; and that all resolutions calling for legislation be referred to the appropriate committee by direct vote of the House.

Which amendment was not adopted.

Mr. Briggs moved the previous question.

Which was seconded.



The motion being, shall the main question be now put?

It was agreed to.

The vote being taken on the amendment, division was called for, and a standing vote was taken, and the amendment was not adopted.

The question recurring on Mr. Cunningham's resolution.

The same was adopted.

House Bill No. 210. Introduced by Mr. Kirkpatrick, entitled "An act to amend the third section of an act for the regulation of weights and measures, approved June 9, 1852."

Read the first time.

House Bill No. 211. Introduced by Mr. Thayer, entitled "A bill providing for the cancellation of judgments on transcripts from justices of the peace on the records of clerks of the circuit court where the same are fully satisfied; prescribing the duties of justices of the peace and clerks of the circuit court, and their compensation in relation thereto."

Read the first time.

House Bill No. 212. Introduced by Mr. Taylor, of Lagrange, entitled "An act defining certain misdemeanors and prescribing punishment therefor."

Read the first time.

House Bill No. 213. Introduced by Mr. Edwins, entitled "An act to allow sheriffs of counties to administer oaths or affirmations to persons desiring to exempt property from execution."

Read the first time.

House Bill No. 214. Introduced by Mr. Edwins, entitled "An act entitled an act to regulate passengers' fares on railroads, and defining penalties for violating the provisions of this act."

Read the first time.

House Bill No. 215. Introduced by Mr. Edwins, entitled "An act entitled an act to prevent the carrying of dead hogs through public roads and thoroughfares."

Read the first time.

Mr. Herod submitted the following claim :

INDIANAPOLIS, IND., JANUARY 17, 1879.

*The State of Indiana, Dr.,*

*To Fletcher Rubush, viz:*

First. Temporary post-office and fixtures, including varnishing, at \$40 each.....	\$80 00
Second. Hat and coat racks, including numbering hooks and frame work, 360 hooks at 14 cents each.....	50 40
Third. Two bill cases at \$15 each.....	30 00
Fourth. Two mantels in wash room at \$2 each.....	4 00
Fifth. Two towel rollers at 50 cents each.....	1 00
Sixth. Two partitions across gallery in House and Senate, including taking up seats, at \$5 each.....	10 00
Seventh. Two platforms, one for chair and one for statue of General Grant, at \$1.50 each.....	3 00
Eighth. Stand for Reading Clerk, including painting and varnishing.....	5 50
Ninth. Fitting and furnishing seven locks at \$1 each.....	7 00
Tenth. Repairing locks and drawers for desks in House and Senate.....	3 00
Total .....	<hr/> \$193 90

Which was referred to the committee on claims.

House Bill No. 216. Introduced by Mr. Robinson, entitled "An act to allow a reasonable and just homestead exemption, and amendatory of an act entitled an act to exempt property from sale in certain cases, approved February 17, 1852; repealing all laws in conflict, and giving reasons for, and declaring an emergency."

Read the first time.

House Bill No. 217. Introduced by Mr. Osborn, of Elkhart, entitled "An act providing that deeds, mortgages and other instruments, acknowledgments before justices of the peace, mayors and notaries public of the Dominion of Canada, be admitted to record and as evidence in the courts."

Read the first time.

Mr. Works offered the following resolution, instructing the judiciary committee to inquire into the constitutionality of the act fixing the pay of employes of the General Assembly :

WHEREAS, There is some doubt whether the section of the statute fixing the pay of members and employes of the General Assembly,

which applies to such employes, is constitutional, for the reason that the subject attempted to be legislated upon is not embraced in the title of the act; therefore

*Resolved*, That the committee on the judiciary are hereby instructed to inquire into the constitutionality of said section, and report to this House at the earliest moment consistent with their other duties.

Adopted, and referred to the committee on the judiciary.

Mr. Taylor moved to amend, that the committee on the judiciary inquire in what the pay of employes is.

Which was agreed to.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following joint resolutions, to-wit:

Senate Joint Resolution No. 1. To amend section 2 of article 2 of the constitution, and prescribing the qualifications of voters.

Joint Resolution No. 2, entitled "A joint resolution proposing amendment to section 5 of article 2 of the constitution."

Joint Resolution No. 3, entitled "A joint resolution proposing amendment to section 14 of article 2 of the constitution."

Joint Resolution No. 4, entitled "A joint resolution proposing amendment to sections 4 and 5 of article 4 of the constitution."

Joint Resolution No. 5, entitled "A joint resolution proposing amendment to the fourteenth clause of section 22 of article 4 of the constitution."

Joint Resolution No. 6, entitled "A joint resolution proposing amendment to section 1 of article 7 of the constitution."

Joint Resolution No. 7. To amend the second section of the seventh article of the constitution.

Joint Resolution No. 9. To strike out all the sections of the thirteenth article of the constitution, and in lieu thereof insert section 1 as in said joint resolution No. 9 fully set out.

Joint Resolution No. 19. To amend section 29 of the fourth article of the constitution.

And the said joint resolutions are herewith submitted to the House for its action thereon.

D. D. DALE, Secretary.

House Bill No. 218. Introduced by Mr. Schweitzer, entitled "An act to amend section 10 of an act entitled an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852, and amended July 5, 1861."

Read the first time.

House Bill No. 219. Introduced by Mr. Schweitzer, entitled "An act to repeal an act entitled an act providing for the protection of fish, and repealing all laws in conflict with the same; prescribing penalties for the violation thereof, approved February 22, 1871, and to repeal the act amending said act, approved March 14, 1877."

Read the first time.

House Bill No. 220. Introduced by Mr. Allen, entitled "An act to exempt the property of married persons in certain cases, and to repeal all laws in conflict therewith, and declaring an emergency."

Read the first time.

House Bill No. 221. Introduced by Mr. Huthsteiner, entitled "An act to regulate the rate of interest charged and retained on loans of the school funds of this State; changing the terms of certain contracts in regard to school fund loans, and repealing all laws and parts of laws in conflict herewith."

Read the first time.

Mr. Shanks moved that the House do now proceed to dispose of the business on the Speaker's table.

Which was agreed to.

Mr. Osborn moved that a special committee of three be appointed to inquire into the temperature of this room, and if it can not be regulated, to procure another hall for the use of the House of Representatives.

The chair appointed the following committee: Messrs. Osborn, of Elkhart, Drake and Shields.

The following communication was received from the Secretary of State:



*To the Speaker and Members of the House of Representatives :*

GENTLEMEN: I am in receipt of your resolution directing me to furnish certified copies of the several amendments to the Constitution of the State of Indiana, adopted by the fifth General Assembly of the State. I can not furnish the certified copies, for the reason that by a resolution of the Senate I have furnished to that body the original amendments.

Respectively yours,

JOHN E. NEFF,

Secretary of State.

The following communication was received from the Secretary of State :

*To the Speaker and Members of the House of Representatives :*

GENTLEMEN: I transmit herewith the report of the findings made by the board constituted by the last General Assembly to adjust the claim of Benton county against the State.

Respectfully yours,

JOHN E. NEFF,

Secretary of State.

*To the General Assembly of the State of Indiana :*

GENTLEMEN: By a joint resolution of the last General Assembly, the Governor, Secretary and Treasurer of State were directed to examine the claim of Benton county for reimbursement for the extraordinary expenditures in the prosecution and conviction of James L. McCullough for the murder of William C. Morgan, and report at the next General Assembly what portion, if any, of such claim should in equity be paid by the State.

The history of the case, in brief, is as follows: About June, 1865, James L. McCollough, a former resident of Henry county, in the State of Indiana, while traveling through Benton county with one William C. Morgan, a former resident of Grant county, in the State of Indiana, murdered said William C. Morgan and secreted the body in a pond; that on the 23d day of December, 1867, the skeleton of Morgan was found; that upon the suggestion of Hon. Conrad Baker, the then Governor of the State of Indiana, this county expended the sum of \$229.15 in procuring an indictment, to be returned at the March term, 1868, of the Benton circuit court; that neither the murderer or this victim had any relations or acquaintances residing in Benton county; that on the 28th day of January,

1873, the said McCullough was arrested in Henry county, Indiana, and confined in the jail of Benton county, whence he escaped on the night of February 18, 1873; and the county commissioners, believing that the State would refund their extraordinary expenses in that behalf, offered a reward for his apprehension, and incurred expense in capturing and keeping said prisoner for trial in the sum of \$1,223.80; and upon the trial of said cause, the State was compelled to have witnesses from other states, and, in securing their attendance and board, incurred an additional expense of \$291.45; and the court allowed to defendant's attorneys the further sum of \$500, making a total, not including any ordinary court expenses, of \$2,243.40. At the session of the General Assembly of 1873, a petition was presented by a large number of citizens of Grant and adjoining counties for an allowance to be used in the prosecution of said cause, and the matter was referred to the Governor, who assured the prosecuting attorney that if the prosecution was proceeded with carefully and successfully, that the Legislature would relieve Benton county of a part, at least, of the burdens incurred. The case was prosecuted carefully and successfully, and the defendant McCollough's conviction and sentence to the state's prison for life.

When we take into consideration the promise made by the Governor, and also the fact that Benton county had no particular interest in the conviction of the defendant, over and above that of any other county of the State, it does seem to us just and equitable that the State should bear a portion of the expense. We would, therefore, most respectfully recommend that the following items of expense incurred by said county be paid by the State:

Paid H. Cowgill, sheriff, expenses in procuring testimony from Wisconsin and Illinois before grand jury.....	\$200 00
Paid H. L. McNulley, sheriff of Henry county, for arrest and delivery.....	45 00
Paid A. Z. Ross, sheriff of Madison county, attaching witnesses.....	40 00
Paid D. Waggoner for bringing convict from Northern Indiana State Prison to testify on trial.....	31 50
Paid J. P. Harris for boarding Martin and Catherine White, witnesses from Madison county.....	15 00
Paid F. A. Stalkes, boarding Harrold, Crye, Blockstone and Roll, witnesses from Wisconsin and Illinois.....	17 20
Paid Willis Harrold, witness from Wisconsin.....	50 00
Paid Joseph Crye, witness from Wisconsin.....	50 00

Paid W. P. Blackstone, witness from Illinois.....	\$25 00
Paid Charles A. Roll, witness from Illinois.....	25 00
Paid Martin and Catherine White, witnesses from Madison county, Indiana.....	25 00
Paid one-half of the expense of arresting after escape from jail.....	450 00
	<hr/>
	\$973 70

JAMES D. WILLIAMS, Governor.

BENJAMIN C. SHAW, Treasurer of State.

JOHN E. NEFF, Secretary of State.

Read and referred to the committee on claims.

Mr. Perry was granted leave of absence until Tuesday morning, January 21, 1879.

Engrossed Joint Senate Bill No. 1. Read the first time.

Engrossed Senate Joint Resolution No. 2. Read the first time.

Engrossed Senate Joint Resolution No. 3. Read the first time.

Engrossed Senate Joint Resolution No. 4. Read the first time.

Engrossed Senate Joint Resolution No. 5. Read the first time.

Engrossed Senate Joint Resolution No. 6. Read the first time.

Engrossed Senate Joint Resolution No. 7. Read the first time.

Engrossed Senate Joint Resolution No. 9. Read the first time.

Engrossed Senate Joint Resolution No. 19. Read the first time.

Mr. Sleeth moved that the consideration of Senate joint resolutions be made the special order for Monday at two o'clock P. M.

Mr. Tulley moved to amend by making it Thursday.

Which was not adopted.

The question being on the motion to postpone the joint resolutions proposing amendments to the constitution, and make them the special order for Monday next at two o'clock, it was adopted.

Mr. Briggs, from the special committee on committee rooms, made the following report, together with the proposition of Mr. Schnull:

MR. SPEAKER:

Your committee, appointed to procure rooms suitable for the meetings of the standing committees of this House, respectfully



report that they have secured rooms 124, 119, 149, 151 and "G," at the Occidental Hotel, including light, fuel and janitor, for \$185 for the present regular session. Three of these rooms are on the office floor and two on the floor next above the office. They are all well furnished, of good size and convenient.

W. W. HEROD.

ANDREW HUMPHREYS.

JOHN C. BRIGGS.

The following proposition accompanied the above report :

*Hon. Charles O. Lehman :*

DEAR SIR: I offer rooms Nos. 124, 149, 151 and "G," for \$185, including light, fuel and janitor, to be used for committee purposes during the session of the Indiana Legislature.

Very respectfully,

HENRY SCHNULL.

Mr. Osborn, of Elkhart, moved that the proposition be accepted and the committee discharged.

Which was agreed to.

Mr. Sleeth offered the following resolution :

*Resolved,* That whoever has charge of the printing of the rules be and is hereby instructed to use all means in his power to have such rules prepared for the use of the House by Monday next.

Which was adopted.

On motion of Mr. Shutt, the House adjourned until 9 o'clock A. M., January 18, 1879.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## SATURDAY MORNING.

JANUARY 18, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by the Rev. T. H. Lynch, of Indianapolis.



The Journal of yesterday was read, in part, when, on motion of Mr. Watson, the further reading thereof was dispensed with.

The special committee appointed to ascertain what arrangements could be made to secure a proper ventilation and temperature of the hall of the House, submitted the following report:

*To the House of Representatives of the State of Indiana:*

Your committee, appointed to ascertain what arrangement can be made to secure a proper ventilation and temperature of this hall, beg leave to report that they obtained an interview with the superintendent of the building, who was of the opinion that the difficulty in securing proper ventilation and temperature arose from the want of knowledge of the method of managing the ventilations and registers, and who offered, on behalf of the county commissioners, to furnish a man free of charge, skilled in those particulars, to take charge of and manage the room as to ventilation and temperature.

And your committee recommend that the offer be accepted, and that the following resolution be adopted:

*Resolved*, That the offer of the board of county commissioners, made through the superintendent of this building, to furnish a man without charge to the State to take charge of and manage the ventilation and temperature of this hall, be accepted, and that the Doorkeeper be instructed to immediately inform the superintendent of the action of this House.

J. D. OSBORN,  
Chairman for the Committee.

Which was agreed to.

On motion of Mr. Herod, the motion to change the hour of meeting of the House of Representatives was taken up.

The question being on the amendment of Mr. Shanks, to change the hour of meeting to two o'clock, P. M.

Was not agreed to.

The question recurring on the motion of Mr. Herod, for the daily meetings to be at ten o'clock, A. M.

Messrs. Compton and Copeland demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Carter, Confer, Connaway, Connor, Cunningham, Davidson, Davis, Donnell, Drake, English, Fancher,

Flodder, Garrouette, Ginz, Gordon, Herod, Hess, Hosmer, Huthsteiner, Kelly, Kester, Lindley, Major, Mitchell, Nave, Osborn of Elkhart, Owen, Reed, Reichelderfer, Robeson, Rodman, Robinson, Saint, Scholl, Schweitzer, Shanks, Shauck, Skinner, Sleeth, Snoddy, Taylor of Warrick, Thayer, Thompson, Van Valzah, Watson and Mr. Speaker—55.

Those who voted in the negative were: Messrs. Bryant, Carey, Compton, Copeland, Dailey, Edwins, Faulkner, Galbraith, Handy, Hart, Hopkins, Hubbard, Kirkpatrick, Lehman, March, Miers, Shields, Shutt, Stevens, Stucker, Taylor of Lagrange, Thornburg, Tulley, Vanpelt, Willard, Wimmer and Works—27.

The motion was agreed to.

House Bill No. 222. Introduced by Mr. Sleeth, entitled "An act for an act authorizing incorporated towns to require licenses for the sale of intoxicating liquors within the corporate limits in quantities of less than a quart at a time."

Read the first time.

House Bill No. 223. Introduced by Mr. Sleeth, entitled "A bill for an act to amend section 2 of an act entitled an act providing for the election and appointment of supervisors of highways, and prescribing certain of the duties, and those of county and township officers in relation thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877."

Read the first time.

Mr. Briggs presented a petition from two hundred citizens of Sullivan county, praying for the passage of an act touching the cleaning out of the creeks of this State, and other matters connected therewith.

Which was referred to the committee on rights and privileges.

House Bill No. 224. Introduced by Mr. Arnold, of Wabash, entitled "An act authorizing justices of the peace to procure a seal to be used in the attestation of such papers as may be necessary, and be given such attestation equal authority with that of notaries public."

Read the first time.

House Bill No. 225. Introduced by Mr. Owen, entitled "A bill to amend section 1 of an act entitled an act to prevent the spread of the Cannada thistle, prescribing penalties for suffering the same to mature upon cultivated farms and public highways, and

to prescribe penalties for selling seeds or grain containing Canada thistle seed, approved March 2, 1859; prescribing for suffering Canada thistle to mature on lands belonging to railroad companies."

Read the first time.

House Bill No. 226. Introduced by Mr. Tulley, entitled "A bill to repeal an act for the incorporation and continuance of building, loan-fund and saving associations, approved March 5, 1857, and an act entitled an act authorizing the organization of voluntary associations, and prescribing their duties and powers, approved March 7, 1875; and, also, an act entitled an act for the incorporation and continuance of building, loan-fund and saving associations, and repealing the laws on the subject, approved March 5, 1857, and March 7, 1873, and legalizing all such associations now in existence, approved March 11, 1875, and saving rights of such organizations now existing.

Read the first time.

House Bill No. 227. Introduced by Mr. Dailey, entitled "An act to repeal an act entitled an act providing for the protection of fish, and repealing all laws in conflict with the same, and prescribing penalties for the violation thereof, approved February 22, 1871."

Read the first time.

Mr. Tulley offered the following resolution:

*Resolved*, That the chairman of each of the committees be requested and instructed to notify members introducing bills of the time when such bill will be considered in their respective committees.

Which was adopted.

Mr. Dailey offered the following resolution:

*Resolved*, That the thanks of this House be tendered to the Rev. Dr. Lynch, of the Methodist Episcopal Church, for his services in meeting with and opening this House with prayer.

Which was unanimously adopted.

House Bill No. 228. Introduced by Mr. Dailey, entitled "An act to enable the Superintendent of Public Instruction and the Auditor of Adams county to re-open the account between Adams county and the State, for the purpose of correcting errors in the principal of the school funds held in trust by Adams county."

Read the first time.

Engrossed Senate Bill No. 32 was read the second time.



Mr. Willard offered the following amendment:

Amend section 1 of Senate bill No. 32 so as to read as follows: "Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That there be allowed to the committee on the judiciary of the Senate, in addition to the clerks to groups of committees now provided for by law, a separate clerk for said committee, to be appointed by the chairman of said committee; and that there be allowed to the standing committees of the House on the judiciary, organization of courts of justice, banks, fees and salaries, corporations and insurance companies, in addition to the clerk now provided for by law for said committees, a separate clerk to be appointed by the chairman of said committees; and that said clerks, on the said committees of the Senate and House respectively, shall be allowed for compensation the same sum per diem as is now allowed and paid to other committee clerks."

Which amendment, with Senate bill No. 32, was referred to the committee on the judiciary.

House Bill No. 42. Introduced by Mr. Baker, was read the second time and referred to the committee on education.

House Bill No. 43. Introduced by Mr. Baker, was read the second time and referred to the committee on the judiciary.

The committee on the judiciary was granted leave to retire to consult on the subject of salaries.

House Bill No. 44. Introduced by Mr. Taylor, was read the second time and referred to the committee on education.

Mr. Davis was granted leave of absence until Monday.

Mr. Humphreys was granted leave of absence.

Mr. Hopkins was granted leave of absence until Monday.

House Bill No. 45. Introduced by Mr. Taylor, of Warrick, was read the second time and referred to the committee on cities and towns.

House Bill No. 46. Introduced by Mr. Mitchell, was read the second time and referred to the committee on county and township business.

House Bill No. 47. Introduced by Mr. Dailey, was read the second time and referred to the judiciary committee.



Mr. Herod moved that when this House adjourn, it be until Mondy at two o'clock P. M.

Which was agreed to.

House Bill No. 48. Introduced by Mr. Dailey, was read the second time and referred to the committee on the judiciary.

House Bill No. 49. Introduced by Mr. Dailey, was read the second time and referred to the committee on elections.

House Bill No. 50. Introduced by Mr. Compton, was read the second time and referred to the committee on the judiciary.

House Bill No. 51. Introduced by Mr. Stucker, was read a second time and referred to the committee on county and township business.

House Bill No. 52. Introduced by Mr. Stucker, was read the second time and referred to the committee on roads.

House Bill No. 53. Introduced by Mr. Stucker, was read the second time and referred to the committee on the judiciary.

House Bill No. 54. Introduced by Mr. Caldwell, was read the second time and referred to the committee on apportionment.

House Bill No. 55. Introduced by Mr. Caldwell, was read the second time and referred to the committee on the judiciary.

House Bill No. 56. Introduced by Mr. Taylor, of Daviess, was read the second time and referred to the committee on the organization of courts.

House Bill No. 57. Introduced by Mr. Donnell, was read the second time and referred to the committee on the judiciary.

House Bill No. 58. Introduced by Mr. March, was read the second time and referred to the committee on the judiciary.

House Bill No. 59. Introduced by Mr. March, was read the second time and referred to the committee on county and township business.

House Bill No. 60. Introduced by Mr. Willard, was read the second time and, on motion, was referred to the committee on the judiciary.

House Bill No. 61. Introduced by Mr. Connaway, was read the second time and referred to the committee on the judiciary.

House Bill No. 62. Introduced by Mr. Davidson, was read the second time and referred to the committee on county and township business.

Mr. Handy presented the report of the committee on mileage.

Mr. Thayer moved to recommit the same back to the committee. Which was agreed to.

House Bill No. 63. Introduced by Mr. Davidson, was read the second time and referred to the committee on county and township business.

House Bill No. 64. Introduced by Mr. Davidson, was read the second time and referred to the committee on roads.

Mr. Herod moved that a committee of three be appointed to confer with booksellers in this city and see what the Statutes can be purchased for.

Which was agreed to.

The chair appointed the following committee: Messrs. Herod, English and Gordon.

On motion of Mr. Garrouette, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House.

## MONDAY AFTERNOON.

JANUARY 20, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Mr. Thornburg, member from Wayne county.

The Journal of Saturday was read, in part, when, on motion of Mr. Gordon, the further reading was dispensed with.

Mr. Tulley moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey,

Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rooker, Saint, Scholl, Sweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Watson, Willard, Wimmer, Works and Mr. Speaker—84.

Mr. Lehman moved that further proceedings under the call be dispensed with.

Which was adopted.

Mr. Briggs offered the following concurrent resolution :

*Resolved by the House (the Senate concurring therein),* That for the purpose of comparing the votes cast in each House for a Senator, both for the long and short term, from Indiana in the Congress of the United States, and, if necessary, voting for such officer or officers, both Houses of this General Assembly meet in joint session in the hall now occupied by the House of Representatives at twelve o'clock meridian, on Wednesday, January 22, 1879.

Which was adopted.

Mr. Sleeth moved that the special order for this date be taken up for the purpose of considering joint resolutions amending the constitution.

On the motion of Mr. Sleeth, Messrs Miers and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Brown of Steuben, Carey, Carter, Connaway, Connor, Copeland, Donnell, Gordon, Herod, Hess, Hopkins, Hubbard, Kelley, Kirkpatrick, Lindley, Major, March, Overmyer, Owen, Reed, Robeson, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thornburg, Vawter, Watson and Wimmer—36.

Those who voted in the negative were: Messrs. Allen, Baker, Barker, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover,

Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Works and Mr. Speaker—54.

The motion was not agreed to.

Mr. Overmyer, moved that the constitutional amendments be made the special order for 3 o'clock P. M. to-day.

Mr. Miers moved to amend by inserting Monday, January 27, 1879, at 2 o'clock P. M.

Mr. Overmyer moved to lay the amendment on the table.

Messrs. Overmyer and Carey demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Carey, Carter, Connaway, Connor, Copeland, Donnell, Fancher, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Overmyer, Owen, Reed, Robeson, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thornburg, Vawter, Watson, Wimmer and Works—36.

Those who voted in the negative were: Messrs. Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwin, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shanks, Shields, Shutt, Stucker, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard and Mr. Speaker—52.

The motion to lay on the table was not agreed to.

Mr. Gordon moved to amend the motion of Mr. Miers by making it Thursday, January 23, 1879, at two o'clock P. M.

Mr. Tulley moved to lay Mr. Gordon's amendment on the table.

Messrs. Gordon and Overmyer demanded the ayes and noes on the motion to lay Mr. Gordon's amendment on the table.

The roll was called.



Those who voted in the affirmative were: Messrs. Allen, Baker, Barker, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Dailey, Davidson, Davis, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouthe, Ginz, Handy, Hart, Hosmer, Humphreys, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Thompson, Tulley, Van Valzah and Willard—41.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Steuben, Bryant, Carey, Carter, Connaway, Connor, Copeland, Dalton, Donnell, English, Fancher, Gordon, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kirkpatrick, Lindley, Major, March, Overmyer, Owen, Reed, Robeson, Robinson, Rooker, Saint, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warriek, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—48.

The motion was not agreed to.

The question being on the amendment offered by Mr. Gordon, the same was accepted by Mr. Miers.

The question being on the motion of Mr. Miers, as amended by Mr. Gordon.

It was agreed to.

Mr. Osborn, of Elkhart, asked leave for the judiciary committee to retire.

Which was agreed to.

Mr. Handy, chairman of the committee on mileage and accounts, submitted the following report:

MR. SPEAKER:

Your committee on mileage and accounts have instructed me to make the following report of the miles traveled to and from the seat of government by the members of the House of representatives, and for which they are respectively entitled to mileage:

	MILES.
Alden, A. J.....	200
Allen, Russell.....	80
Arnold, J. T.....	164
Arnold, Jesse.....	212
Baker, C. L.....	148
Barker, J. D.....	330

Bearss, A. C.....	150
Blockley, Russell.....	426
Briggs, John C.....	200
Brown, George H.....	226
Brown, E.....	375
Bryant, J. H.....	500
Caldwell, Frank D.....	118
Campbell, B. F.....	136
Carey, O. H. P.....	150
Carter, William B.....	220
Cauthorn, Henry S.....	230
Compton, Isaac M.....	110
Confer, J. M.....	238
Connaway, J. W.....	144
Connor, J. B.....	
Copeland, A. C.....	196
Cunningham, D. A.....	300
Dailey, Joseph S.....	192
Dalton, Lyeurgus.....	162
Davidson, Jasper.....	310
Davis, Joseph.....	72
Donnell, J. S.....	106
Drake, J. H.....	200
Drover, Henry.....	216
Edwins, Stanley.....	114
English, W. E.....	
Fancher, Thaddeus S.....	350
Faulkner, C. R.....	160
Fleming, O. E.....	
Flodder, B. H.....	200
Galbraith, Arthur.....	90
Garroutte, T. J.....	328
Ginz, Henry.....	356
Golden, J. M.....	184
Gordon, J. W.....	
Handy, A. C.....	46
Harland, Nathan.....	152
Hart, Thomas.....	280
Herod, W. W.....	
Hess, Alexander.....	180
Hopkins, J. S.....	374

	MILES.
Hosmer, Jackson .....	300
Hubbard, Charles.....	70
Humphreys, A .....	180
Huthsteiner, G .....	498
Johnston, A. B.....	100
Kelly, R .....	200
Kester, I. N.....	166
Kirkpatrick, T. M.....	114
Lehman, Charles O .....	60
Lindley, T. J.....	60
Major, W.....	52
March, Walter.....	108
Messick, J. W.....	390
Miers, R. W .....	162
Mitchell, S. H.....	300
Nave, J. Shannon.....	170
Osborn, J. D.....	250
Osborn, James.....	176
Overmyer, John.....	130
Owen, A. R .....	180
Perry, William.....	260
Reed, G. I.....	150
Reichelderfer, E.....	278
Robeson, E. D.....	144
Rodman, J. M .....	204
Robinson, C. B.....	
Rooker, W. W .....	28
Saint, Exum .....	132
Scholl, C .....	160
Schweitzer, H. B .....	106
Shanks, J. P. C.....	184
Shauck, J. H.....	300
Shields, J. T.....	120
Shutt, S. S.....	300
Skinner, S. S.....	316
Sleeth, George B.....	80
Snoddy, G. W.....	66
Stevens, E. H.....	250
Stucker, James F .....	272
Taylor, Samuel H.....	288
Taylor, O. B .....	346

	MILES.
Taylor, J. S.....	430
Thayer, J. D.....	250
Thompson, Maurice.....	90
Thornburg, J. H.....	135
Tulley, C. B.....	320
Vanpelt, S. L.....	54
Van Valzah, Robert .....	146
Vawter, Smith .....	130
Watson, E. S.....	148
Willard, J. H.....	226
Wimmer, W. P .....	88
Works, J. D.....	232

Which Report was concurred in.

Leave of absence was granted Mr. Rodman.

Mr. Galbraith presented a petition in reference to turnpikes and gravel roads.

Which was referred to the committee on roads.

House Bill No. 229. Introduced by Mr. Stucker, entitled "An act to amend the third paragraph of section 9 of an act entitled an act touching the relation of guardian and ward, approved June 9, 1852, and adding a repealing clause."

Read the first time.

House Bill No. 230. Introduced by Mr. Stucker, entitled "An act to authorize administrators and executors in certain cases, where it is to the interest of the heirs and to the estate, to sell the entire interest of the heirs, including the widow's share, and providing a mode of procedure; repealing all conflicting laws and providing and creating an emergency clause."

Read the first time.

House Bill No. 231. Introduced by Mr. Shutt, entitled "An act to legalize the incorporation of the town of Auburn, Dekalb county, Indiana, and the annexation of the several additions thereto; defining the territory embraced in said town; and to legalize the official acts, orders, ordinances, regulations and by-laws of the several boards of trustees of the said town, and of those acting as such under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852."

Read the first time.



House Bill No. 232. Introduced by Mr. Shutt, entitled "An act legalizing the issuing of writs of execution, orders of sale and vendi exponas, and sheriff's sales in certain cases, and declaring judgments of common pleas and circuit courts to have been a lien upon real estate of the judgment defendant for the period of ten years, in case the judgment has been rendered subsequent to March 11, 1867."

Read the first time.

Mr. Willard offered the following resolution:

WHEREAS, There have been grave charges made that the plan for the new State House was decided upon unjustly, and that the contract for the construction of the said building was let against the interests of the State; and

WHEREAS, Thousands of people in this State are of the opinion that these charges should be investigated to protect the good name of the State and the character of the State House Commissioners, if they have faithfully performed their duties; and

WHEREAS, The people of this State, of all political parties, are interested in ascertaining the real truth in reference to the adoption of the plan and the letting of the contract for said building, and should be fully informed in regard to all matters appertaining thereto; therefore

*Be it resolved*, That a select committee of seven, composed of members of all political parties, be appointed by the Speaker, who shall be charged with the duty of inquiring into said charges in reference to the adoption of the plan for the new State House and the letting of the contract for the same, and into the responsibility of the contractors who have undertaken to build said State House, and the sufficiency of their bond, and to ascertain whether, under said contract, said new State House can be built within the amount provided by law for the erection of said building; and for these purposes said committee shall have power to send for persons and papers, to examine witnesses under oath, to hear testimony and receive and publish depositions, and shall have leave to report at any time by bill or otherwise.

Which was adopted.

The chair appointed the following Committee: Messrs. Willard, Lehman, Tulley, Dalton, Herod, Overmyer and Gordon.

House Bill No. 223, entitled "An act to amend section 20 of an act entitled an act providing for the election and appointment of

supervisor of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877."

Read the first time.

House Bill No. 234. Introduced by Mr. Flodder, entitled "An act providing for the protection of fish and repealing all laws in conflict with the same, and prescribing penalties for violation thereof."

Read the first time.

House Bill No. 235. Introduced by Mr. Connaway, entitled "An act relating to the rights of married women and matters properly connected therewith."

Read the first time.

House Bill No. 236. Introduced by Mr. Carey, entitled "An act to prevent domestic animals from running at large and regulating the same."

Read the first time.

House Bill No. 237. Introduced by Mr. Davidson, by request, entitled "An act for the protection of the citizens of the State of Indiana against incompetent physicians, druggists and midwives."

Read the first time.

House Bill No. 238. Introduced by Mr. Snoddy, entitled "An act to amend section 647 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity, approved June 8, 1852."

Read the first time.

House Bill No. 239. Introduced by Mr. Rooker, entitled "An act to legalize mortgages made to the State of Indiana as security for the payment of loans made from the common school fund and the congressional township school fund, and declaring an emergency."

Read the first time.

House Bill No. 240. Introduced by Mr. Wimmer, entitled "An act to prevent carrying dangerous and concealed weapons, and to provide punishment therefor."

Read the first time.

House Bill No. 241. Introduced by Mr. Wimmer, entitled "An act to fix the salaries of judges of the supreme, circuit, superior and criminal courts of this State, and to provide for the time and manner of payment."

Read the first time.

House Bill No. 242. Introduced by Mr. Wimmer, entitled "An act to define what shall be the salary of the Governor, the manner of paying the same, and repealing all former laws upon the same subject."

Read the first time.

House Bill No. 243. Introduced by Mr. Overmyer, entitled "An act further defining the duties of boards of county commissioners in reference to the appointment of inspectors of elections, and defining certain misdemeanors, with penalties therefor."

Read the first time.

House Bill No. 244. Introduced by Mr. Overmyer, by request, entitled "An act for an act relating to penal ordinances of incorporated towns and cities."

Read the first time.

House Bill No. 245. Introduced by Mr. Fancher, entitled "An act defining the powers and duties of the board of trustees of incorporated towns, repealing all laws inconsistent herewith, and declaring an emergency."

Read the first time.

House Bill No. 246. Introduced by Mr. Reed, entitled "An act providing for the appointment of commissioners for the insane, defining their powers and duties, and providing for their compensation."

Read the first time.

House Bill No. 247. Introduced by Mr. Reed, entitled "An act to legalize the acknowledgment of and certificates to all deeds, mortgages and other instruments required to be recorded, taken and certified by notaries public who took and certified such acknowledgments after their appointments had been vacated by accepting and holding a lucrative office."

Read the first time.



House Bill No. 248. Introduced by Mr. Schweitzer, entitled "An act to repeal the one hundred and seventy-second section of an act entitled an act to provide for a uniform assessment of property and for the collection and return of taxes thereon."

Read the first time.

House Bill No. 249. Introduced by Mr. Schweitzer entitled "An act in relation to prosecuting attorneys, and providing a mode of bringing witnesses before courts of justice and their examination in reference to felonies and misdemeanors and matters properly connected therewith, and repealing all laws in conflict with this act."

Read the first time.

House Bill No. 250. Introduced by Mr. Schweitzer, entitled "An act to require parents and other persons having the care and control of children between the ages of eight and fourteen years, to send such children to school, or to instruct them at home, at least fourteen weeks in each year, and to provide for other matters pertaining thereto."

Read the first time.

House Bill No. 251. Introduced by Mr. Osborn, of Elkhart, entitled "An act to provide employment for the persons confined in county jails."

Read the first time.

House Bill No. 252. Introduced by Mr. Osborn, of Elkhart, entitled "An act defining adultery and fornication, and providing punishment therefor."

Read the first time.

House Bill No. 253. Introduced by Mr. Osborn, of Elkhart, entitled "An act providing for the execution and acknowledgment of official bonds."

Read the first time.

House Bill No. 254. Introduced by Mr. Osborn, of Elkhart, entitled "An act to protect the purity of elections and prevent illegal voting."

Read the first time.

House Bill No. 255. Introduced by Mr. Gordon, entitled "An act entitled an act to amend sections 1 and 2 of an act approved March 5, 1877, amendatory of sections 1 and 13 of an act approved



February 15, 1871, to repeal section 3 of the act approved March 5, 1877, to supplemental section thereto, and declaring an emergency."

Read the first time.

Mr. Gordon offered the following resolution:

*Resolved*, That the judiciary committee be instructed to prepare a bill to amend section 1 of an act entitled an act to authorize and provide for the erection of a new State House, and report the same to this House at as early a day as practicable.

Mr. Osborn, of Elkhart, offered the following amendment:

*Moved*, To strike out therefrom the words "prepare a bill to amend," and insert "inquire into the expediency of amending."

Which was accepted.

The resolution, as amended, was adopted, and referred to the committee on the judiciary.

House Bill No. 256. Introduced by Mr. Huthsteiner, entitled "A bill to reduce the rate of interest allowed by law on warrants drawn by county auditors on the county treasury which are not paid for want of funds, exempting such warrants from taxation, and repealing laws in conflict therewith."

Read the first time.

Mr. Blockley offered the following resolution:

*Resolved*, That the committee on education be instructed to inquire into the expediency of abolishing the office of county superintendent and establishing in lieu thereof the office of county examiner."

Referred to the committee on education.

Inasmuch as the Democracy of the State of Indiana are in the ascendency in the House of Representatives:

*Resolved*, That we, as Democrats, and others feeling as we do, so cast our votes and use our influence as legislators in the creation of laws and the repeal of laws that will tend to work out the greatest good to the greatest number of people in our beloved State.

*Resolved*, That we, as Democrats, and others entertaining conservative principles, who have made pledges to the people as members of this honorable body, that our course and action shall be of that character which will tend to carrying out the true principles of economy and reform.

*Resolved*, That while we are the creative power of the laws of the State of Indiana, and while we are watching and guarding the interest and well-being of the moneyed wealth of the State, we should especially throw a shield around that species of wealth termed labor, which is so sorely oppressed and paralyzed at the present time in all its varied forms.

Mr. Lehman moved to refer to the committee on federal relations. Which was agreed to.

House Bill No. 257. Introduced by Mr. Blockley, entitled "An act to regulate the work on public roads and highways, and repealing all laws in conflict with this act."

Read the first time.

Mr. Bryant presented a petition from the citizens of Spencer county on temperance.

Which was referred to the committee on the judiciary.

House Bill No. 258. Introduced by Mr. Sleeth, entitled "An act to repeal section 16, and to amend section 12 of an act entitled an act providing for voluntary assingment of personal property and real property in trust for the benefit of creditors, and regulating the mode of administering the same."

Read the first time.

House Bill No. 259. Introduced by Mr. Saint, entitled "An act to prohibit judges and officers of the supreme, superior, criminal and circuit courts of the State of Indiana, justices of the peace and all executive, judicial and ministeral officers of said State, and all sheriffs, clerks, treasurers, auditors, recorders of the various counties of the State, and all members of the General Assembly, and all persons who may hereafter be elected to the said General Assembly of said State of Indiana, or who may be hereafter elected to fill any of the various county and state offices of this State, from receiving, accepting and using any steamboat or railroad passes, ticket or check during their terms of office as a gift, or without paying therefor the amount usually required of the public generally, and providing penalties for violation of this act."

Read the first time.

Mr. Briggs offered the following resolution :

*Resolved*, That the members of this House meet in this hall at half past two o'clock in the afternoon on Tuesday, the 21st day of January, A. D., 1879, for the purpose of voting for a Senator in

Congress of the United States for the term to expire on the 3d of March, 1879, and also for the term commencing the 4th day of March, 1879, and that the Senate be informed of the passage of this resolution.

Which was adopted.

The Speaker appointed the following sanitary committee: Messrs. Edwins, Shields, Scholl, Drake, Rodman, Gordon and Hess.

On motion of Mr. Lehman, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## TUESDAY MORNING.

JANUARY 21, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Mr. Thornburg, the member from Wayne county.

The Journal of yesterday was read in part, when, on motion of Mr. Tulley, the further reading was dispensed with.

Mr. Lehman submitted the following resolution, to-wit:

*Resolved*, That the daily meetings of the House shall begin at 9 o'clock A. M. instead of 10 o'clock, as now ordered.

Which, under the rules, was laid over until to-morrow.

Mr. Allen submitted the claim of Alfred Monday, of Jasper county, which was referred to the committee on claims.

House Bill No. 260. Introduced by Mr. Faulkner, entitled "A bill for an act to amend sections 6 and 8 of an act entitled an act supplementary and amendatory of an act entitled an act to provide for a uniform assessment of property and for the collection and return of taxes thereon, approved December 21, 1872, approved March 8, 1873."

Read the first time.



Mr. Fancher introduced the following resolution :

*Resolved*, That the Auditor of State be and he is hereby instructed to report to this House what amount of taxes have been paid into the state treasury in pursuance of section 6 of an act supplementary and amendatory of an act entitled an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872, approved March 8, 1873.

Which, on motion, was adopted.

House Bill No. 261. Introduced by Mr. Vanpelt, entitled "An act for an act entitled an act in relation to fences and hedges along public highways."

Read the first time.

House Bill No. 262. Introduced by Mr. Perry, entitled "An act to require the county commissioners to let all county printing, including the delinquent tax lists, to the lowest bidder; repealing all laws in conflict therewith, and declaring an emergency."

Read the first time.

House Bill No. 263. Introduced by Mr. Perry, entitled "An act to amend an act entitled an act to amend section 1 of an act to provide for the protection of fish, and repealing all laws in conflict with the same, approved July 22, 1877."

Read the first time.

House Bill No. 264. Introduced by Mr. Ginz, entitled "An act to provide for the security and payment of laboring men and mechanics."

Read the first time.

Mr. Garrouette offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to inquire into the constitutionality and the expediency of exempting disabled soldiers from the payment of poll taxes in cases where the real and personal property of such soldiers listed for taxation does not exceed one thousand dollars, and to report to this House by bill or otherwise.

Which was, on motion, adopted.

House Bill No. 265. Introduced by Mr. Kester, entitled "An act to abolish the office of road supervisor; conferring the powers and duties thereof upon the township trustees, with certain restrictions and limitations, with certain other powers and duties; providing for the assessment of taxes by the township trustee for road



purposes; prescribing the manner of repairing highways; authorizing county commissioners to grant aid in repairing highways in certain cases; providing for payment of road fund to township trustees and for the compensation for services; repealing sections 6, 7, 8 and 20 of an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877; and to repeal all laws and parts of laws inconsistent with the provisions of this act; and to fix the time at which to take effect."

Read the first time.

House Bill No. 266. Introduced by Mr. Taylor, of Warrick, entitled "An act to prevent the mortgagor of goods and chattles who, by the terms of the mortgage, retain possession of the same from fraudulently disposing of said property with intent to defraud the mortgagee, and prescribing penalties for the same."

Read the first time.

Mr. Taylor, of Warrick, offered the following resolution:

*Resolved*, That the Clerk of the House be instructed to procure of the Secretary of State, or otherwise, at the lowest price possible, a sufficient number of the new Revised Statutes of the State of Indiana with which to supply every member of the House of Representatives a copy of said Statutes, to be used during the present session, and not to become the property of individual members unless the State receive payment for the same at wholesale price; and that said Statutes be returned to the State Librarian at the close of this session by the members, to be kept by said Librarian for future assemblies, the members taking a receipt for said Statutes.

Mr. Copeland moved to lay the resolution on the table.

Messrs Tulley and Gordon demanded the ayes and noes on the motion to lay on the table.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Carey, Compton, Connaway, Connor, Copeland, Dailey, Dalton, Edwins, Faulkner, Galbraith, Golden, Gordon, Harland, Hess, Hosmer, Humphreys, Kelly, Lindley, March, Overmyer, Owen, Reed, Robinson, Rodman, Rooker, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Thayer, Thornburg, Tulley, Vanpelt, Watson, Willard, Wimmer and Works—42.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carter, Confer, Cunningham, Davidson, Davis, Donnell, Drake, Fancher, Flodder, Garrouette, Ginz, Handy, Hart, Herod, Hopkins, Hubbard, Huthsteiner, Kester, Kirkpatrick, Lehman, Major, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Robeson, Saint, Scholl, Schweitzer, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thompson, Van Valzah, Vawter and Mr. Speaker—52.

The motion to lay on the table was not agreed to.

Mr. Lehman demanded the previous question.

Which was seconded.

Messrs. Tulley and Copeland demanded the ayes and noes on the adoption of the original resolution.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Confer, Cunningham, Davis, Donnell, Fancher, Flodder, Garrouette, Ginz, Harland, Hart, Hubbard, Huthsteiner, Kelly, Lindley, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Robeson, Rodman, Saint, Shanks, Skinner, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thompson, Van Valzah and Mr. Speaker—40.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Bryant, Carey, Carter, Compton, Conaway, Connor, Copeland, Dailey, Dalton, Davidson, Drake, Drovers, Edwins, English, Faulkner, Galbraith, Gordon, Golden, Handy, Herod, Hess, Hopkins, Hosmer, Humphreys, Kelly, Lindley, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Stevens, Stucker, Taylor of Daviess, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer and Works—53.

The resolution was not adopted.

Mr. Works submitted the following report:

*To the Speaker of the House of Representatives:*

The joint committee on enrolled bills, to whom was submitted enrolled House bill No. 1, would respectfully report that they have carefully compared the same with the engrossed bill and find the same correctly enrolled.

JOHN D. WORKS, Chairman.

Mr. Tulley offered the following resolution :

*Resolved*, That on the meeting of the Senate and House of Representatives in joint session on the 22d day of January, 1879, the Senators be provided with seats on the right of the Speaker's stand, and that a committee of three be appointed by the Speaker to take charge of the matter and see that the necessary seats are provided for the occasion.

Which was adopted.

House Bill No. 267. Introduced by Mr. Taylor, of Daviess, entitled "An act to repeal an act entitled an act to authorize the construction of railroads by counties and townships taking stock in and making donations to railroad companies, approved May 12, 1869, and the act or acts amendatory thereof and supplemental thereto."

Read the first time.

House Bill No. 268. Introduced by Mr. Taylor, of Daviess, entitled "An act defining libel and prescribing punishment therefor."

Read the first time.

House Bill No. 100. Introduced by Mr. Herod, was read the second time and referred to the committee on benevolent institutions.

House Bill No. 101. Introduced by Mr. Herod, was read the second time and referred to the committee on benevolent institutions.

Mr. Edwins offered the following resolution :

*Resolved*, That in view of the financial distress of the people of our beloved State, and believing that a high rate of interest is one of the causes of such distress, that we are in favor of a rate of interest at six per cent, and will use all legal means to place such a law on our statutes.

Which resolution was adopted.

The following communication was received from the Governor :

GOVERNORS OFFICE,  
INDIANAPOLIS JANUARY 18, 1879.

SIR: I have the honor to inform the House that I have received House joint resolution No. 12, and have caused it to be deposited in the office of the Secretary of State.

Respectfully,

JAMES D. WILLIAMS.

To the Speaker of the House of Representatives.



The following communication was submitted by E. Henderson,  
Auditor of State:

STATE OF INDIANA, OFFICE OF AUDITOR OF STATE,  
INDIANAPOLIS, JANUARY 20, 1879.

*Hon. H. S. Cauthorn,*

*Speaker of the House of Representatives:*

DEAR SIR: In compliance with a resolution of the House, requesting this office to furnish a statement of all the moneys drawn by the State University, State Normal School, and Purdue University, for the past four years, from the State Treasury, I have the honor to herewith submit the desired information.

Very respectfully yours,

E. HENDERSON, Auditor of State.

STATE NORMAL SCHOOL.

Statement showing amount drawn from the State Treasury by the State Normal School, during the past four fiscal years, each closing October 31, in compliance with a resolution of the General Assembly.

1875.

Amount drawn by authority of general appropriation act of 1875, to pay indebtedness.....	\$22,168 00
--	-------------

Amount drawn by authority of general appropriation act of 1875, for janitor's fees, etc.....	2,000 00
--	----------

Amount drawn by authority of general statutory provision, for per diem and mileage of officers.....	1,508 75
---	----------

Amount drawn by authority of general statutory provision, for school distribution.....	15,000 00
--	-----------

Total amount drawn during the fiscal year ending October 31, 1875.....	<hr/> \$40,676 75
--	-------------------



1876.

Amount drawn by authority of general appropriation act of 1875, for incidental Expenses.....	\$2,000 00	
Amount drawn by authority of statutory provision, for per diem and mileage of officers.....	1,149 40	
Amount drawn by authority of statutory provision, for school distribution.....	15,000 00	
	<hr/>	
Total amount drawn during the fiscal year ending October 31, 1876.....		\$18,149 40

1877.

Amount drawn by authority of statutory provision, for per diem and mileage of officers.....	\$897 50	
Amount drawn by authority of general appropriation act of 1877, for incidental expenses.....	3,000 00	
Amount drawn by authority of specific appropriation act of 1877, for furniture and improvements.....	2,500 00	
Amount drawn by authority of statutory provision, for school distribution.....	15,000 00	
	<hr/>	
Total amount drawn during the fiscal year ending October 31, 1877.....		\$21,397 50

1878.

Amount drawn by authority of general appropriation act of 1877, for current expenses.....	\$3,068 20	
Amount drawn by authority of statutory provision, for school distribution.....	15,000 00	
	<hr/>	
Total amount drawn during the fiscal year ending October 31, 1878.....		\$18,068 20
		<hr/>
Total amount drawn during the four fiscal years.....		\$98,291 85

## STATE UNIVERSITY.

Statement showing amount drawn from the State Treasury by the State University during the past four fiscal years, each ending October 31, in compliance with a resolution of the General Assembly.

1875.

Amount drawn by authority of statutory provision, for current expenses.....	\$23,000 00	
Amount drawn by authority of statutory provision from college fund interest.....	6,818 00	
	<hr/>	
Total amount drawn during the fiscal year ending October 31, 1875.....		\$29,818 00

1876.

Amount drawn by authority of statutory provision, for current expenses.....	\$23,000 00	
Amount drawn by authority of statutory provision from college fund interest.....	6,850 00	
	<hr/>	
Total amount drawn during the fiscal year ending October 31, 1876.....		\$29,850 00

1877.

Amount drawn by authority of statutory provision, and general appropriation act of 1877.....	\$25,500 00	
Amount drawn by authority of statutory provision from college fund interest.....	7,050 00	
	<hr/>	
Total amount drawn during the fiscal year ending October 31, 1877.....		\$32,550 00

1878.

Amount drawn by authority of general appropriation act of 1877, for current expenses.....	\$23,000 00	
Amount drawn by authority of statutory provision from college fund interest.....	6,520 00	
	<hr/>	
Total amount drawn during the fiscal year ending October 31, 1878.....		\$29,520 00
		<hr/>
Total amount drawn during the four fiscal years.....		\$121,738 00

## PURDUE UNIVERSITY.

Statement showing amount drawn from the State Treasury by the Purdue University during the past four fiscal years, each ending October 31, in compliance with a resolution of the General Assembly.

1875.

Amount drawn by authority of specific appropriation act of 1875.....	\$20,000 00
Amount drawn by authority of statutory provision, salaries of officers, etc.....	1,948 66
	<hr/>
Total amount drawn during the fiscal year ending October 31, 1875.....	\$21,948 66

1876.

Amount drawn by authority of statutory provision for salaries of officers.....	\$1,973 86
	<hr/>
Total amount drawn during the fiscal year ending October 31, 1876.....	\$1,973 86

1877.

Amount drawn by authority of statutory provision for salaries of officers.....	\$1,312 80
Amount drawn by authority of general appropriation act of 1877, salaries of officers .....	1,069 67
	<hr/>
Total amount drawn during the fiscal year ending October 31, 1877.....	\$2,382 47

1878.

Amount drawn by authority of general appropriation act of 1877.....	\$6,930 43
	<hr/>
Total amount drawn during the fiscal year ending October 31, 1878.....	\$6,930 43
	<hr/>
Total amount drawn during the four years.....	\$33,235 42

Mr. Overmyer moved that the communication from the Auditor of State do lie on the table, and that one hundred and fifty copies be printed for the use of members.

Which was agreed to.

House Bill No. 65. Introduced by Mr. Carey, was read the second time and referred to the committee on sanitary affairs.

House Bill No. 66. Introduced by Mr. Carey, was read the second time and referred to the committee on sanitary affairs.

House Bill No. 67. Introduced by Mr. Arnold, of Blackford, was read the second time and referred to the committee on the judiciary.

House Bill No. 68. Introduced by Mr. Lindley, was read the second time and referred to the committee on ways and means.

House Bill No. 69. Introduced by Mr. Handy, was read the second time and referred to the committee on the judiciary.

On motion of Mr. Nave, the House adjourned.

---

## AFTERNOON SESSION.

JANUARY 21, 1879.

The House met pursuant to adjournment, the Speaker in the chair.

House Bill No. 70. Introduced by Mr. Handy, was read the second time and referred to the committee on ways and means.

House Bill No. 71. Introduced by Mr. Snoddy, was read the second time and referred to the committee on roads.

House Bill No. 72. Introduced by Mr. Hubbard, was read the second time and referred to the committee on the judiciary.

House Bill No. 73. Introduced by Mr. Hubbard, was read the second time and, on motion of Mr. Hubbard, was referred to a select committee of five.

The Speaker appointed as said select committee Messrs. Hubbard, Lehman, Golden, Works and Saint.

Mr. Lehman moved a call of the House, which resulted as follows:



Those who answered to their names were: Messrs Alden, Allen, Arnold of Grant and Blackford, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—96.

Mr. Taylor, of Daviess, submitted the following:

Pursuant to a concurrent resolution, and in obedience to an act of Congress, the House, by an open viva voce vote, proceeded to name one person for Senator in the Congress of the United States for the State of Indiana to serve for the unexpired term of the late Hon. O. P. Morton, deceased, till the fourth day of March in the year of our Lord one thousand eight hundred and seventy-nine.

Nominations for United States Senator being in order for the unexpired term of Hon. O. P. Morton.

Mr. Van Valzah placed in nomination the name of Daniel W. Voorhees, of Vigo county.

Mr. Owen placed in nomination the name of Godlove S. Orth, of Tippecanoe county.

Mr. Major placed in nomination the name of James Buchanan, of Marion county.

The roll was called on the vote for Senator, which resulted as follows:

Those who voted for Daniel W. Voorhees were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of

Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warwick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—57.

Those who voted for Godlove S. Orth were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Carey, Conaway, Connor, Copeland, Donnell, Fancher, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Rodman, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—37.

Those who voted for James Buchanan were: Messrs. Major and Osborn of Vermillion—2.

Mr. Gordon voted for James M. Shackelford.

Whole number of votes cast 97, of which number Daniel W. Voorhees received 57 votes, Godlove S. Orth received 37 votes, James Buchanan received 2 votes, James M. Shackelford received 1 vote.

Daniel W. Vorhees having received a majority of all the votes cast was declared by the Speaker to be the choice of the House of Representatives for Senator in Congress to serve the unexpired term, caused by the death of Hon. O. P. Morton, which term expires on the 4th day of March, A. D. 1879, and which said result was ordered to be entered on the Journal.

Mr. Willard submitted the following:

Pursuant to a concurrent resolution, and in obedience to an act of Congress, the House by an open viva voce vote proceeded to name one person for Senator in the Congress of the United States for the State of Indiana to serve for the term of six years from and after the fourth day of March in the year of our Lord one thousand eight hundred and seventy-nine.

Nominations for United States Senator for the term of six years from March 4, 1879, being in order.

Mr. Willard placed in nomination Daniel W. Vorhees, of Vigo county.

Mr. Gordon placed in nomination Benjamin Harrison, of Marion county.

Mr. Major placed in nomination James Buchanan, of Marion county.

The roll was called.

Those who voted for Daniel W. Voorhees were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Floder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shaub, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of War-  
rick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—57.

Those who voted for Benjamin Harrison were: Messrs. Arnold, of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—38.

Those who voted for James Buchanan were: Messrs. Major and Osborn of Vermillion—2.

Whole number of votes cast 97, of which number Daniel W. Voorhees received 57 votes, Benjamin Harrison received 38 votes, James Buchanan received 2 votes.

Daniel W. Voorhees having received a majority of all the votes cast was declared, by the Speaker, to be the choice of the House of Representatives for Senator in Congress for six years, to commence on the fourth day of March, A. D. 1879, and the said result was ordered to be entered on the Journal.

On motion of Mr. Van Valzah, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.



## WEDNESDAY MORNING.

JANUARY 22, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Reed, the further reading was dispensed with.

The Steward of the Indiana Soldiers' Orphans' Home submitted the following communication :

OFFICE OF INDIANA SOLDIERS' ORPHANS' HOME,  
KNIGHTSTOWN, IND., JANUARY 21, 1879.

*Hon. Henry S. Cauthorn, Speaker :*

In compliance with resolution of the House of Representatives, we send you the number, names, employment, and salaries of the officers of the Soldiers' Orphans' Home for the current month.

None of the persons employed in the institution are relatives of the superintendent or other officers. A step-daughter of the matron is employed as one of the teachers in the schools.

WM. B. MCGAVRAN, Sup't.

R. F. BREWINGTON, Steward.

PAY-ROLL OF OFFICERS AND EMPLOYEES OF THE INDIANA  
SOLDIERS' AND SEAMEN'S ORPHANS' HOME FOR  
THE MONTH OF JANUARY, 1879.

NAMES.	OCCUPATIONS.	RATES PER MONTH
Miss S. M. Bonfoy.....	Teacher.....	\$30 00
Miss E. E. Starr.....	Teacher.....	30 00
Miss Ida Wishard.....	Teacher.....	25 00
Miss Emma Sherman.....	Teacher.....	25 00
Mrs. S. D. Hamilton.....	Governess.....	25 00
Mrs. Elizabeth Ellis.....	Governess.....	20 00
Miss R. B. Thomas.....	Governess.....	20 00
Miss A. C. Hamilton.....	Governess.....	20 00
Miss Jennie Hudelson.....	Governess.....	20 00
Miss Ella Hubbard.....	Governess.....	20 00
Miss Mary Stewart.....	Governess.....	20 00
Miss L. B. Marlatt.....	Governess.....	20 00
Miss Lizzie Hodson.....	Seamstress.....	20 00
Miss Anna Byerly.....	Seamstress.....	16 00



NAMES.	OCCUPATIONS.	RATES PER MONTH.
Mrs. Phebe Colvin.....	Dining Room.....	14 00
Mrs. Charlotte Weeks.....	Dining Room.....	14 00
John Harrison.....	Laundry.....	25 00
Mary Bunday.....	Laundry.....	12 00
Martha Dougherty.....	Laundry.....	13 00
Wm. Nimal.....	Cook.....	40 00
Lucinda Trailor.....	Assistant Cook.....	14 00
Wm. Perkey.....	Baker.....	20 00
Wm. Casely.....	Engineer.....	30 00
Mat. Clark.....	Ass't Eng. and Watchman	15 00
James Daugherty.....	Farmer.....	35 00
John Fowls.....	Market and errand boy...	10 00

Part of the above named are employed for a part of the year, others during the entire year.

The officers are as follows:

Wm. B. McGavran, superintendent, salary \$1,500 per year; R. F. Brewington, steward, salary, \$800 per year; Mrs. L. B. J. Wishard, matron, salary \$300 per year.

Mr. Osborn, of Elkhart, moved that the communication from the Steward of the Soldiers' Orphans' Home do lie on the table, and that two hundred copies be printed for the use of the members of the House.

The following communication was received from the Auditor of State :

STATE OF INDIANA, OFFICE OF AUDITOR OF STATE,  
INDIANAPOLIS, JANUARY 21, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives :*

DEAR SIR: In reply to a resolution of the House certified to the office of the clerk, bearing date of the 17th inst., directing the Auditor of State to request of county auditors, treasurers, clerks and sheriffs a report of amount of fees, salaries and all other emoluments received by them during the year 1878, I have the honor to say, in compliance with said resolution, the necessary blanks for such reports have been prepared and mailed to the proper officers.

Very respectfully,

E. HENDERSON, Auditor of State.

House Bill No. 74. Introduced by Mr. Overmyer, was read the second time and referred to the committee on the judiciary.

House Bill No. 75. Introduced by Mr. Overmyer, was read the second time and referred to the committee on the organization of courts.

House Bill No. 76. Introduced by Mr. Lehman, was read the second time and referred to the committee on the organization of courts.

Mr. Faulkner was excused from serving on the committee on roads, at his own request, and Mr. Major was substituted.

House Bill No. 77. Introduced by Mr. Lehman, was read the second time and referred to the committee on the organization of courts.

Mr. Vanpelt asked to be excused from serving on the committee on temperance.

The House refused to excuse him.

House Bill No. 78. Introduced by Mr. Brown, of Jasper, was read the second time and referred the committee on the judiciary.

House Bill No. 79. Introduced by Mr. Dalton, was read the second time and referred to the committee on ways and means.

House Bill No. 80. Introduced by Mr. Shields, was read the second time and referred to the committee on the organization of courts.

House Bill No. 81. Introduced by Mr. Shields, was read the second time and referred to the committee on ways and means.

House Bill No. 82. Introduced by Mr. Shields, was read the second time and referred to the committee on rights and privileges.

Mr. Drake asked to be excused from serving on the committee on statistics, which was granted, and Mr. Major substituted.

House Bill No. 83. Introduced by Mr. Connor, was read the second time and referred to the committee on the judiciary.

House Bill No. 84. Introduced by Mr. Connor, was read the second time and referred to the committee on agriculture.

House Bill No. 85. Introduced by Mr. Connor, was read the second time and referred to the committee on the judiciary.

House Bill No. 86. Introduced by Mr. Connor, was read the second time and referred to the committee on rights and privileges.

House Bill No. 87. Introduced by Mr. Gordon, was read the second time and referred to the committee on the judiciary.

House Bill No. 88. Introduced by Mr. Gordon, was read the second time and referred to the committee on the judiciary.

House Bill No. 89. Introduced by Mr. Gordon, was read the second time and referred to the committee on the judiciary.

The Speaker appointed the following committee on Mr. Tulley's resolution of yesterday: Messrs. Tulley, Thompson and Owen.

House Bill No. 90. Introduced by Mr. Herod, was read the second time and referred to the committee on the judiciary.

House Bill No. 91. Introduced by Mr. Herod, was read the second time and referred to the committee on the judiciary.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that enrolled House bill No. 1, entitled "An act appropriating one hundred and twenty-five thousand dollars to defray the expenses of the fifty-first regular session of the General Assembly of the State of Indiana, and other matters connected therewith," has been signed by the President of the Senate, and the same is herewith returned to the House.

D. D. DALE, Secretary of the Senate.

House Bill No. 92. Introduced by Mr. Herod, was read the second time and referred to the committee on the judiciary.

House Bill No. 93. Introduced by Mr. Herod, was read the second time and referred to the committee on ways and means.

House Bill No. 94. Introduced by Mr. Herod, was read the second time and referred to the committee on rights and privileges.

House Bill No. 95. Introduced by Mr. Herod, was read the second time and referred to the committee on the judiciary.

House Bill No. 96. Introduced by Mr. Herod, was read the second time and referred to the committee on cities and towns.

House Bill No. 97. Introduced by Mr. Herod, was read the second time and referred to the committee on the judiciary.

House Bill No. 98. Introduced by Mr. Herod, was read the second time and referred to the committee on rights and privileges.

House Bill No. 99. Introduced by Mr. Herod, was read the second time and referred to the committee on the judiciary.



House Bill No. 102. Introduced by Mr. English, was read the second time and referred to the committee on fees and salaries.

House Bill No. 103. Introduced by Mr. Confer, was read the second time and referred to the committee on fees and salaries.

House Bill No. 104. Introduced by Mr. Confer, was read the second time and referred to the committee on rights and privileges.

House Bill No. 105. Introduced by Mr. Miers, was read the second time and referred to the committee on rights and privileges.

House Bill No. 106. Introduced by Mr. Miers, was read the second time and referred to the committee on the judiciary.

Mr. Taylor, of Daviess, offered the following resolution:

*Resolved*, That the House of Representatives of the fifty-first General Assembly of the State of Indiana, do now prepare to go into joint convention with the Senate to compare the vote and determine the election of a Senator in Congress to represent the State of Indiana therein, and that the committee appointed for that purpose be instructed to conduct the Senate to this chamber at 12 o'clock.

Mr. Arnold was granted leave of absence indefinitely.

#### JOINT CONVENTION.

The hour of 12 o'clock, M., having arrived, the Senate came into the hall of the the House of Representatives and were seated on the right of the Speaker.

Hon. Isaac P. Gray, President of the Senate, took his seat on the right of the Speaker and called the joint convention to order.

The Journals of the Senate and House of Representatives were read to the joint convention, so far as the same has reference to the vote of separate houses had on yesterday, for United States Senator in Congress, to fill the unexpired term made vacant by the death of the late Hon. O. P. Morton, deceased, which will expire March 4, 1879.

It appeared from said Journals that Daniel W. Voorhees had received in the Senate 26 votes and in the House 57 votes.

The whole number of votes given in the two houses for Daniel W. Voorhees was 83.

Godlove S. Orth had received in the Senate 22 votes and in the House 37 votes.



The whole number of votes given in the two houses for Godlove S. Orth was 59.

James Buchanan had received in the Senate 1 vote and in the House 2 votes.

The whole number of votes given in the two houses for James Buchanan was 3.

James M. Schackelford received no votes in the Senate and 1 vote in the House.

The president of the joint convention thereupon declared that Hon. Daniel W. Voorhees, having received a majority of all the votes cast in both houses of the General Assembly of the State of Indiana, was duly elected Senator in Congress of the United States for the unexpired term of Hon. O. P. Morton, deceased, and until the 4th day of March, A. D. 1879.

The Journals of the Senate and House of Representatives were read to the joint convention, so far as the same has reference to the vote of the separate houses had on yesterday for United States Senator in Congress for the term of six years, commencing on the 4th day of March, 1879.

It appeared from said Journals that Daniel W. Voorhees had received in the Senate 26 votes and in the House 57 votes.

The whole number of votes given in the two houses for Daniel W. Voorhees was 83.

Benjamin Harrison had received in the Senate 22 votes and in the House 38 votes.

The whole number of votes given in the two houses for Benjamin Harrison was 60.

Mr. Buchanan had received in the Senate 1 vote and in the House 2 votes.

The whole number of votes given in the two houses for James Buchanan was 3.

The president of the joint convention thereupon declared that Hon. Daniel W. Voorhees, having received a majority of all the votes cast in both houses of the General Assembly of the State of Indiana, was duly elected Senator in Congress of the United States for six years, commencing on the 4th day of March, A. D. 1879.

The joint convention then adjourned *sine die*, and the Senate retired to their chamber.

On motion of Mr. Herod, the House adjourned.

---

## AFTERNOON SESSION.

JANUARY 22, 1879.

The House met at 2 o'clock P. M., with the Speaker in the chair.

House Bill No. 107. Introduced by Mr. Miers, was read the second time and referred to the committee on the judiciary.

Mr. Drake was granted leave of absence.

Mr. Caldwell was granted leave of absence.

Mr. Reichelderfer was granted leave of absence.

House Bill No. 108. Introduced by Mr. Miers, was read the second time and referred to the committee on the judiciary.

House Bill No. 109. Introduced by Mr. Thompson, was read the second time and referred to the committee on the organization of courts.

House Bill No. 110. Introduced by Mr. Thompson, was read the second time and referred to the committee on the judiciary.

House Bill No. 111. Introduced by Mr. Hart, was read the second time and referred to the committee on agriculture.

Mr. Schweitzer offered the following resolution:

*Resolved*, That the organization of soldiers of the Mexican war, now in session in this city, be invited to seats on the floor of the House, and granted the privilege of members.

*Resolved further*, That a committee of three be appointed by the Speaker to convey this invitation to the organization.

Read and adopted.

The committee appointed by the Speaker was Messrs. Schweitzer, Gordon and Van Valzah.

House Bill No. 112. Introduced by Mr. Osborn, of Elkhart, was read the second time and referred to the committee on benevolent institutions.

The joint committee on enrolled bills submitted the following report:

*To the Speaker of the House of Representatives:*

The joint committee on enrolled bills report that the committee has this day presented to the Governor enrolled act No. 1, House of Representatives, entitled "An act appropriating one hundred and twenty-five thousand dollars to defray the expenses of the fifty-first regular session of the General Assembly of the State of Indiana and other matters connected therewith."

JOHN D. WORKS, Chairman.

House Bill No. 114. Introduced by Mr. Osborn, of Elkhart, was read the second time.

Mr. Connor offered the following amendment to House bill No. 114:

*Provided*, That stock which may have been surrendered to the association shall not be liable to assessments for the dues and interest after the expiration of the eight years for which they were organized.

Which bill and amendment was referred to the committee on corporations.

House Bill No. 115. Introduced by Mr. Schweitzer, was read the second time and referred to the committee on rights and privileges,

House Bill No. 116. Introduced by Mr. Major, was read the second time and referred to the committee on the judiciary.

House Bill No. 117. Introduced by Mr. Miers, was read the second time and referred to the committee on the judiciary.

House Bill No. 118. Introduced by Mr. Works, was read the second time and referred to the committee on the judiciary.

House Bill No. 119. Introduced by Mr. Works, was read the second time and referred to the committee on the judiciary.

House Bill No. 120. Introduced by Mr. Works, was read the second time and referred to the committee on the judiciary.

House Bill No. 121. Introduced by Mr. Allen, was read the second time and referred to the committee on the judiciary.

House Bill No. 122. Introduced by Mr. Allen, was read the second time and referred to the committee on education.

House Bill No. 123. Introduced by Mr. Allen, was read the second time and referred to the committee on county and township business.

House Bill No. 124. Introduced by Mr. Allen, was read the second time and referred to the committee on the judiciary.

Mr. Handy was granted leave of absence until to-morrow morning.

House Bill No. 125. Introduced by Mr. Allen, was read the second time and referred to the committee on the judiciary.

House Bill No. 126. Introduced by Mr. Allen, was read the second time and referred to the committee on the judiciary.

House Bill No. 127. Introduced by Mr. Watson, was read the second time and referred to the committee on rights and privileges.

House Bill No. 128. Introduced by Mr. Watson, was read the second time and referred to the committee on the judiciary.

House Bill No. 129. Introduced by Mr. Faulkner, was read the second time and referred to the committee on the judiciary.

House Bill No. 130. Introduced by Mr. Faulkner, was read the second time and referred to the committee on fees and salaries.

House Bill No. 131. Introduced by Mr. Sleeth, was read the second time and referred to the committee on the judiciary.

House Bill No. 132. Introduced by Mr. Sleeth, was read the second time and referred to the committee on the judiciary.

Mr. Faulkner moved that the House take a recess of fifteen minutes.

Which was agreed to.

Mr. Briggs offered the following:

*Resolved by the House (the Senate concurring),* That our Senators in Congress are hereby instructed and our members are requested to use their utmost endeavors to procure the passage of a law pensioning the remaining few survivors of the Mexican war, as a matter of justice to brave men who, by their heroism, aided the government to acquire territory of incalculable value to the country, and preserve the honor of the nation.

Which was adopted.

Mr. Taylor, of Warrick, presented a petition from the order of Good Templars of Indiana.



Mr. Taylor, of Warrick, offered the following resolution :

*Resolved*, That we, the members of the House of Representatives, give our consent that this room be used by the order of Good Templars of the State of Indiana for the purpose of holding a series of free lectures and musical entertainments to be held in the evenings, begining Monday evening, January 27, 1879, and continue one week.

Which was adopted.

Mr. Osborn, of Elkhart, offered the following resolution :

*Resolved*, That the Auditor of State be requested to furnish for the use of the House a statement showing in detail the pay and compensation received or due to each of the state officers for their official services during the last fiscal year, and showing the source from which the pay, or any of it, has been received or is payable.

Mr. Sleeth moved to amend by including all perquisites, and the source from which they come.

Mr. Overmyer offered the following amendment :

Amend the resolution so as to specifically name the Auditor, Treasurer and Secretary of State, Attorney General, Superintendent of Public Instruction, Clerk of Supreme Court.

Which resolution, with the amendments, was adopted.

The following communication was received from the Governor, to-wit :

THE STATE OF INDIANA, GOVERNOR'S OFFICE,  
INDIANAPOLIS, JANUARY 22, 1879.

SIR: I have the honor to inform the House of Representatives that I have this day received, approved, and signed enrolled House bill No. 1, entitled "An act appropriating one hundred and twenty-five thousand dollars to defray the expenses of the fifty-first regular session of the General Assembly of the State of Indiana, and other matters connected therewith," and have caused the act to be deposited in the office of the Secretary of State.

JAMES D. WILLIAMS.

To the Speaker of the House of Representatives.

The Governor presented the following communication, to-wit:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, JANUARY 20, 1879.

*To the General Assembly of the State of Indiana:*

GENTLEMEN: By a concurrent resolution of the last General Assembly, the Governor, Secretary and Treasurer of State were directed to examine and adjust the accounts of the State of Indiana with the estate of John P. Dunn, late of Perry county, deceased, and to report to your honorable body, at its present session, what amount, if anything, there may be due the estate of the said John P. Dunn, deceased, from the State. The history of the accounts to be examined by this concurrent resolution are as follows: In 1859 John P. Dunn became indebted to the State in the sum of \$9,242.25. This indebtedness arose from the liability of Dunn as a stockholder in the Metropolitan Bank on certain certificates of deposit held by the State against said bank. In order to secure the State upon said indebtedness there was conveyed to the State seven thousand eight hundred and eighty acres of land in the counties of Jasper and Newton, in the State of Indiana. These lands were not conveyed to the State directly by Dunn, they having been previously sold on a judgment in favor of the Ohio Life and Trust Company vs. Allen May, M. G. Bright and John P. Dunn; Bright and Dunn being accommodation indorsers for the said May. They were purchased at said sale by M. G. Bright, who transferred them to Aquilla Jones, the Treasurer of State, in trust, to secure the indebtedness of the said John P. Dunn, as before stated.

The facts connected with the transfer to Jones, Treasurer of State, and by him to the State, is as follows: In some way Mr. Jones became possessed of certain collaterals belonging to John P. Dunn, from the proceeds of which he paid off the liabilities of Dunn and Bright on the judgment of the Ohio Life and Trust Company, amounting to \$2,630. Upon the payment of this sum to Bright, he (Bright) made the conveyance to Jones, as aforesaid. At the time of the conveyance of these lands in Jasper and Newton counties, Dunn also conveyed to the State his interest in forty-nine acres of land in Clay county, Indiana.

The claim now presented by the estate of John P. Dunn against the State is as follows:

First. That the estate be paid the residue arising from the sale of said lands, over and above the amount of the indebtedness of John P. Dunn, to the State.

Second. The payment of forty-five hundred dollars, claimed to have been collected by the State from certain claims, collaterals placed in the hands of W. R. Nofsinger, Treasurer of State, less twenty-six hundred and thirty dollars paid Bright on the indebtedness of Dunn to the Ohio Life and Trust Company.

Third. The redemption of sixteen thousand dollars of uncanceled Free Bank money.

As to the first item, there was derived from the sale of the lands in Jasper and Newton counties by the State the sum of \$8,720 ; from the sale of the lands in Clay county \$3,103.58, making a total of \$11,843.58. This shows a residue over and above the original indebtedness of Dunn to the State of \$2,601.37.

If the State is entitled to no interest upon its original claim against Dunn, then this balance of \$2,601.37 would be due the estate of Dunn.

If, however, the estate is entitled to interest on said indebtedness, leaving out of consideration the other two items of charges, there would be a large balance due the State. This question of interest we would most respectfully refer to your honorable body.

As to the second item we are unanimously of the opinion that there is nothing due from the State. The receipt held by the estate for certain collaterals, given by W. R. Nofsinger, amounting to \$8,600, is the receipt of W. R. Nofsinger, and not the receipt of W. R. Nofsinger, Treasurer of State of the State of Indiana. There is nothing in the evidence produced to show that either Nofsinger or Jones received or collected these collaterals in their fiduciary capacity, or that the State ever received one cent from the proceeds thereof. On the other hand the evidence showed that they were received by Hassinger and Jones as the trustees of Dunn, and applied as directed by Dunn, as is shown by the payment of the \$2,630 by Jones and Bright from the proceeds from said collaterals. As to the last item we are of the opinion that the \$1,600 of uncanceled Free Bank notes are the property of the State, and should have been cancelled by Dunn while Auditor of State.

Respectfully submitted.

JAMES D. WILLIAMS, Governor.

JOHN GILBERT SHANKLIN, Secretary of State.

B. C. SHAW, Treasurer of State.

Which was referred to the committee on claims.



House Bill No. 133. Introduced by Mr. Briggs, was read the second time and referred to the committee on the judiciary.

House Bill No. 134. Introduced by Mr. Briggs, was read the second time and referred to the committee on the judiciary.

House Bill No. 135. Introduced by Mr. Briggs, was read the second time and referred to the committee on cities and towns.

Mr. Sleeth submitted the following resolution:

*Resolved*, That all printing ordered by the House shall be procured through the State Printing Bureau, unless otherwise ordered by the House.

Which was adopted.

House Bill No. 136. Introduced by Mr. Perry, was read the second time and referred to the committee on rights and privileges.

House Bill No. 137. Introduced by Mr. Baker, was read the second time and referred to the committee on rights and privileges.

House Bill No. 138. Introduced by Mr. Garrouette, was read the second time and referred to the committee on county and township business.

House Bill No. 139. Introduced by Mr. Van Valzah, was read the second time and referred to the committee on cities and towns.

House Bill No. 140. Introduced by Mr. Van Valzah, was read the second time and referred to the committee on cities and towns.

House Bill No. 141. Introduced by Mr. Taylor, of Warrick, was read the second time and referred to the committee on cities and towns.

House Bill No. 142. Introduced by Mr. Mitchell, was read the second time and referred to the committee on fees and salaries.

Mr. Osborn, of Elkhart, moved that the resolution of Mr. Lehman to change the hour of meeting be taken up.

The vote being on Mr. Lehman's resolution, it was not adopted.

Mr. Briggs presented a petition from the citizens and miners of Sullivan county, which was referred to the committee on mines and mining.



Mr. Sleeth moved that the committee on fees and salaries be directed to have one hundred copies of House Bill No. 142 printed.

On motion of Mr. Allen the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

---

## THURSDAY MORNING.

JANUARY 23, 1879.

The House met, pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Rev. Mr. Snoddy, the member from Hendricks county.

The Journal of yesterday's proceedings was read in part, when, on motion of Mr. Herod, the further reading was dispensed with.

Mr. Major, of Morgan, was placed on the committee on agriculture in place of Mr. Johnston.

Leave of absence was granted Mr. Harland until Monday.

Mr. Carter was granted leave of absence.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred the credentials of the following members of the General Assembly, have examined the same and find them correct. The credentials of Mr. Fleming is not included, it never having come into our hands:

Alden, A. J., Dearborn county.

Allen, Russell, Putnam county.

Arnold, James L., Grant and Blackford counties.

Arnold, Jessie, Wabash county.

Barker, Joseph D., Pike county.

Bearss, Albert C., Miami county.

Blockley, Russell, Posey county.

Briggs, John C., Sullivan county.

Brown, George H., Jasper and White counties.  
 Brown, Ezekiel, Steuben county.  
 Bryant, James H., Spencer county.  
 Baker, Clark L., Tippecanoe county.  
 Caldwell, F. D., Clinton county.  
 Campbell, B. F., Cass county.  
 Carey, O. H., Grant county.  
 Carter, William B., Clark county.  
 Cauthorn, Henry S., Knox county.  
 Connaway, Joseph, Fayette and Union counties.  
 Connor, John B., Marion county.  
 Copeland, A., Kosciusko and Fulton counties.  
 Cunningham, Daniel A., Harrison county.  
 Compton, I. M., Clay county.  
 Dailey, Joseph S., Adams and Wells counties.  
 Dalton, Lycurgus, Laurence county,  
 Davis, Joseph, Boone county.  
 Davidson, Jasper, Gibson county.  
 Donnell, John Q., Decatur county.  
 Drake, I H., Ripley county.  
 Drover, Henry, Huntington county.  
 Edwins, S. W., Madison county.  
 English, William E., Marion and Shelby counties.  
 Fancher, T. S., Lake county.  
 Faulkner, C. R., Rush, Decatur, and Ripley counties.  
 Flodder, Bernard H., Franklin county.  
 Galbraith, A. D., Bartholomew county.  
 Garroutte, Thomas J., St. Joseph and Marshall counties.  
 Ginz, Henry, St. Joseph county.  
 Golden, John M., Jefferson county.  
 Gordon, J. W., Marion county.  
 Handy, A. C., Hancock county.  
 Harland, Nathan, Wayne county.  
 Hart, Thomas, Martin and Dubois counties.  
 Herod, William W., Marion county.  
 Hess, Alexander, Huntington and Wabash counties.  
 Hopkins, John S., Vanderburg county.  
 Hosmer, Jackson, Laporte county.  
 Hubbard, Charles S., Henry county.  
 Humphreys, Andrew, Greene county.  
 Huthsteiner, Gustave, Perry county.

Johnston, Archibald, Montgomery and Parke counties.  
 Kelley, Robert, Parke county.  
 Kester, I. N., Vigo county.  
 Kirkpatrick, Charles M., Howard county.  
 Lehman, Charles O., Johnson county.  
 Lindley, Thomas J., Hamilton county.  
 Major, Noah J., Morgan county.  
 March, Walter, Delaware county.  
 Miers, Robert W., Monroe county.  
 Mitchell, Samuel H., Washington county.  
 Nave, Shannon, Fountain county.  
 Osborn, James D., Elkhart and Noble counties.  
 Osborn, James, Vermillion county.  
 Overmyer, John, Jennings county.  
 Owen, A. R., Warren county.  
 Perry, William, Stark, Pulaski, and Fulton counties.  
 Reed, George I., Miami and Howard counties.  
 Reichelderfer, E., Allen county.  
 Robeson, Edward, Tippecanoe county.  
 Robinson, Charles B., Marion county.  
 Rodman, James M., Benton and Newton counties.  
 Rooker, William W., Hamilton and Tipton counties.  
 Saint, Exum, Henry and Madison counties.  
 Scholl, Charles E., Carroll county.  
 Schweitzer, Bernard, Owen county.  
 Shanks, J. P. C., Delaware and Jay counties.  
 Shauck, J. N., Noble county.  
 Shields, John P., Jackson county.  
 Shutt, Samuel S., DeKalb county.  
 Skinner, Samuel S., Porter county.  
 Sleeth, George B., Rush county.  
 Snoddy, George W., Hendricks county.  
 Stevens, Edwin H., Elkhart county.  
 Stucker, James F., Crawford and Orange counties.  
 Taylor, Samuel H., Daviess county.  
 Taylor, Oscar B., Lagrange county.  
 Taylor, John L., Warrick county.  
 Thayer, John D., Kosciusko county.  
 Thompson, Maurice, Montgomery county.  
 Thornburg, John H., Wayne county.

Tulley, Cyrus B., Whitley county.

Vanpelt, Squire L., Shelby county.

Van Valzah, Robert, Vigo county.

Vawter, Smith, Jefferson, Jennings and Scott counties.

Willard, James H., Floyd county.

Wimmer, William P., Putnam and Hendricks counties.

Works, John D., Switzerland and Ohio counties.

Which report was concurred in.

The committee on the organization of courts of justice submitted the following report :

MR. SPEAKER :

Your committee on the organization of courts of justice, to which was referred Senate Bill No. 51, entitled "An act fixing the time of holding courts in the eleventh judicial circuit of the State of Indiana, prescribing the length of terms thereof, and repealing all laws in conflict herewith, and declaring an emergency," introduced by Senator Taylor, have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it do pass.

Which report was, on motion, concurred in.

Mr. Allen, chairman of the committee on cities and towns, submitted the following report :

MR. SPEAKER :

Your committee on cities and towns, to whom was referred House Bill No. 15, entitled "An act to legalize the election held in the town of Edinburg in Johnson county and State of Indiana, and to legalize the official acts of the Board of trustees of said town for said year, and to legalize the acts of all other officers of said corporation for said year, under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852, and to legalize all by-laws, rules, regulations and proceedings of said board of trustees and said other officers, adopted in pursuance thereof, approved June 11, 1852," have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it do pass.

Which report was concurred in.



Mr. Compton, from the committee on mines and mining, submitted the following report:

MR. SPEAKER:

Your committee on mines and mining, to whom was referred House bill No. 7, entitled "An act regulating the working of coal mines and declaring a lien upon the works and machinery for work and labor in running coal mines, and for the royalty on coal, and providing penalty for violation thereof; providing for the appointment of inspectors, and declaring an emergency," have had the same under consideration and recommend that the bill do pass, and that two hundred copies of the same be printed.

Which report was concurred in.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 32 and the amendment thereto in the House, offered by Mr. Willard of Floyd, beg leave to make the following report:

They recommend that the amendment offered by the gentleman from Floyd do lie upon the table and that the House do concur in the said bill as received from the Senate.

Which report was concurred in.

Mr. Osborn offered the following report:

*To the House of Representatives of the State of Indiana:*

Your committee, directed to inquire into the constitutionality of the laws relating to the fees of the employes of the House and to report the amount of compensation to which they are entitled, beg leave to report that the General Assembly, by section 15 of the act approved December 23, 1872, declared that the compensation for the two Houses of the General Assembly shall not exceed five dollars per day each for the time employed, but your committee find the said section was invalid, because the subject was not expressed in the title to the act. They also find that by act approved March 15, 1875, the General Assembly attempted to fix the pay of some of the employes of the Senate and House of Representatives, but that such portion of the said act is also void for the same reason, and that, therefore, there is now no law prescribing the compensation to be paid to the various employes of the House.

Your committee believe that in view of the great reduction in the price of labor and depreciation in the value of property within the

past few years, the pay of all persons in the public service should be reduced to the lowest price consistent with the public interests, and that all useless and supernumerary offices or employments should be abolished. They find that among the employes authorized by law are one paper folder, one spittoon cleaner, one water-closet cleaner; and that since the statute abolishing the supplying of members with newspapers, the paper folder's occupation is gone; that there are no duties for him to perform, but that the employment has been retained as a mere sinecure. They find, also, the duties of spittoon cleaner, water-closet cleaner and sweeper can be performed by one person, and that no necessity exists for the employment of several of the other employes now authorized by law.

The committee further find that the only proper way to provide for the payment of the employes of the House, and to regulate their numbers, is to enact a new law upon the subject, and they report the following bill and recommend its immediate passage:

House Bill No. 269. Introduced by the judiciary committee, entitled "A bill for an act prescribing the number of officers and employes of the House of Representatives and the compensation to be paid."

Read the first time.

House Bill No. 270. Introduced by Mr. Dailey, entitled "An act to protect the ballot-box, to prevent bribing in the elections, to define a misdemeanor, and prescribe the punishment therefor."

Read the first time.

House Bill No. 271. Introduced by Mr. Compton entitled "An act to amend sections 1, 2, 4 and 5 of an act authorizing street or horse car railway companies to use state, county or township roads or the public highway, under certain conditions and regulations, and declaring an emergency therefor."

Read the first time.

House Bill No. 272. Introduced by Mr. Donnell, entitled "An act to limit prosecutions under state and city laws."

Read the first time.

House Bill No. 273. Introduced by Mr. March, entitled "A bill prescribing the form of a deed that may be used by sheriffs and coroners in certain cases."

Read the first time.

House Bill No. 274. Introduced by Mr. March, entitled "A bill to amend section 1 of an act entitled an act to limit the number of grand jurors and point out the mode of the election; defining their jurisdiction, and repealing all laws inconsistent therewith, approved March 3, 1875."

Read the first time.

House Bill No. 275. Introduced by Mr. Willard, by request, entitled "An act to prevent fishing from ponds, lakes or other bodies of water on the inclosed lands of others without the consent of the owner or occupant thereof, and providing a penalty therefor; also to compel parties concerned in the commission thereof to testify against others, and declaring an emergency."

Read the first time.

House Bill No. 276. Introduced by Mr. Connaway, entitled "An act to create the judicial circuit court; to amend sections 9 and 38 of an act entitled an act to divide the State into circuits for judicial purposes; fixing the time for holding courts therein; abolishing the courts of common pleas, and transmitting the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases, approved March 6, 1873; and also to provide for holding terms of courts in the eighth, thirty-seventh and ———— circuits; providing for the appointment of a prosecuting attorney for the thirty-seventh circuit, and a judge and prosecuting attorney for the ———— circuit, and other matters connected therewith, and repealing all laws conflicting therewith, and declaring an emergency."

Read the first time.

Mr. Carey presented a petition from citizens of Grant county on temperance.

Which was referred to the committee on temperance.

House Bill No. 277. Introduced by Mr. Davidson, entitled "An act to amend section 20 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective duties and powers, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed, approved March 6, 1865."

Read the first time.



House Bill No. 278. Introduced by Mr. Humphreys, entitled "An act to exempt five hundred dollars worth of property from sale on execution."

Read the first time.

House Bill No. 279. Introduced by Mr. Kirkpatrick, entitled "An act providing for giving notice by publication to defendants who are not residents of the State of Indiana, in actions pending in the circuit courts and other inferior courts in this State, and to cure defects that are believed to exist in notices given defendants who are not residents of this State in actions that have heretofore been tried and determined in the circuit courts and other inferior courts in this State, and declaring an emergency."

Read the first time.

House Bill No. 280. Introduced by Mr. Rooker, entitled "An act entitled an act fixing the standard of the grade of plank, macadamized and gravel roads, fixing the rate of tolls thereon, and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

Read the first time.

House Bill No. 281. Introduced by Mr. Wimmer, entitled "An act to amend the second section of an act entitled an act providing for a geological survey, and for the collection and preservation of a geological and mineralogical cabinet of the natural history of this State, and creating the office of State geologist, defining his duties, fixing his salary and appropriating a sufficient amount of money to defray the necessary expenses of said survey, and for the collection and preservation of said cabinet, approved March 5, 1869."

Read the first time.

House Bill No. 282. Introduced by Mr. Wimmer, entitled "An act relative to the salary of Superintendent of Public Instruction and providing the manner of paying the same, approved March 3, 1873."

Read the first time.

House Bill No. 283. Introduced by Mr. Wimmer, entitled "An act to amend section 1 of an act relative to the salaries of public officers and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries, approved March 5, 1859."

Read the first time.



The committee on fees and salaries were granted leave to retire.

House Bill No. 284. Introduced by Mr. Brown, entitled "An act to enable the owners of lands to clear out and remove obstructions from ditches where the same can not be done without affecting the land of others."

Read the first time.

Mr. Lehman presented the following resolution, to-wit: In order that the committees to whom were referred certain portions of the Governor's message may take early action thereon, it is hereby

*Resolved*, That the clerk is instructed to have the same on the desks of members at an early day, as per instructions of this House heretofore passed.

Which was adopted.

House Bill No. 285. Introduced by Mr. Golden, entitled "A bill defining libel, making the same a misdemeanor, stating who shall be liable to prosecutions thereunder, and prescribing a punishment therefor, and making it a misdemeanor for any person to threaten to print or publish, or to propose to abstain from printing or publishing, any thing touching the character or reputation of any other person with the intent to extort money, etc., and prescribing the punishment therefor, and declaring an emergency."

Read the first time.

House Bill No. 286. Introduced by Mr. Golden, entitled "An act supplemental to an act prescribing the powers and duties of coroners, approved May 27, 1852, and acts amendatory thereof amending sections 4, 10 and 11 thereof; repealing sections 5, 6 and 7 of said act, and all other acts herewith, and declaring an emergency."

Read the first time.

Mr. Overmyer submitted the following resolution:

*Resolved*, That the committee on ways and means be instructed to inquire into and report upon the following matters, to-wit:

First. Whether the present system of sheriff's mileage, which costs the State \$20,000 per year, may not be abolished, and said sheriffs be required to present their sworn bills to the board of commissioners of their several counties, so that their actual expenses and reasonable per diem only shall be paid.

Second. Whether the system of appropriating large sums of money to the Governor, Secretary, Treasurer and Auditor of State, the Attorney General and Superintendent of Public Instruction,

under the name of contingent, or incidental expenses, may not be discontinued, and whether a single fund may not be provided from which alone the necessary office expenses of said officials, including the Supreme Court, shall be drawn only on proper vouchers filed in the office of the Auditor of State.

Third. Whether the clerical force of the Governor, Secretary and Auditor of State, the Attorney General and Superintendent of Public Instruction may not be reduced so that the sum of at least \$5,000 per annum may be saved.

Fourth. What need has the State now for a State Geologist, and whether the department of said geologist may not be abolished, thus saving more than \$6,000 per annum.

Fifth. Why should the State purchase annually reports of the decisions of the Supreme Court, which cost the people more than \$5,000 each year.

And that said committee report upon said matters by bill or otherwise.

Which was adopted.

Mr. Overmyer submitted the following resolution:

WHEREAS, The following sums of money have been drawn from the state treasury during the four years including October 31, 1878, by the following named institutions, to-wit: By the State Normal School at Terre Haute, the sum of \$98,291.75; by the State University, at Bloomington, the sum of \$121,738; by Purdue University, at Lafayette, the sum of \$33,235; making a total sum of \$253,264; and

WHEREAS, The tax payers of Indiana have not received the corresponding benefit for said vast outlay of money; and

WHEREAS, It is the duty of the State to provide amply for common schools for the education of all the children within her borders, but not her duty to provide colleges and universities to furnish technical learning for the few at the expense of the many; and

WHEREAS, Purdue University now has ample endowment, the proceeds of lands donated by an act of Congress, and the State University a reasonable endowment; therefore

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of withholding any further appropriation of public money to any of said institutions, and of providing for the repeal of the laws, making standing appropriations to said institutions or any of them.

Mr. Osborn moved to amend by requesting the ways and means committee to inquire into the expediency of consolidating the two institutions.

Which amendment was accepted, and the resolution, as amended, was adopted.

House Bill No. 287. Introduced by Mr. Copeland, "An act entitled an act abridging the duties of township trustees and county superintendents (school examiners), and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read the first time.

House Bill No. 288. Introduced by Mr. Copeland, "An act entitled an act to regulate the charges of railroad companies for the transportation of and handling of wheat, corn and flour, and fixing a maximum rate therefor, and prescribing the penalty for the violation of any of the provisions of this act, and declaring an emergency."

Read the first time.

House Bill No. 289. Introduced by Mr. Dalton, entitled "An act to amend section 9 of an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases, and extending their jurisdiction in civil cases to all townships in the county, and repealing all laws in conflict herewith."

Read the first time.

Mr. Faulkner presented the claim of George W. Lawrence, of Lake county.

Which was referred to the committee on claims.

House Bill No. 290. Introduced by Mr. Fancher, entitled "An act to provide for the regulation of the running at large of all kinds of animals within the different townships and parts of townships in the different counties of this State."

Read the first time.

House Bill No. 291. Introduced by Mr. Taylor, of Lagrange, entitled "An act to amend section 17 of an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libra-



ries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865."

Read the first time.

House Bill No. 292. Introduced by Mr. Taylor, of Lagrange, entitled "An act to amend section 3 of an act entitled an act to amend an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fee for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and adding supplemental sections thereto, approved March 8, 1873."

Read the first time.

House Bill No. 293. Introduced by Mr. Taylor, of Lagrange, entitled "An act defining certain felonies and prescribing punishment therefor."

Read the first time.

Mr. Taylor, of Lagrange, submitted the following resolution:

WHEREAS, In the opinion of this House of Representatives upon the existing fact that each of the three last sessions of the General Assembly has proven too short for the amount of work necessarily demanding attention, which fact has, in each case referred to, rendered a called session necessary, thus involving great additional expense; and

WHEREAS, The opinion prevails, to a certain extent, through the State, as well as in the minds of Representatives upon the floor, that the present construction put upon section 29 of article 4 of the constitution, that makes it include Sunday in the sixty-one days fixed as the constitutional limit of a regular session of the General Assembly, is wrong, and should be so declared by the properly constituted authorities; therefore be it

*Resolved by the House of Representatives (the Senate concurring),* That a committee of three Representatives, and a like number of Senators, be appointed, whose duty it shall be to lay this subject before the Attorney General, with a view of getting his authority to extend this and all future regular sessions of the General Assembly under the present constitution to include sixty-one working days, for which officers, members or employes will only be entitled to draw pay.

Which was not adopted.



House Bill No. 294. Introduced by Mr. Edwins, entitled "An act to regulate and provide dead bodies for use in medical colleges, and to prevent grave robbing."

Read the first time.

House Bill No. 295. Introduced by Mr. English, entitled "An act providing for a metropolitan police in all cities of thirty thousand or more inhabitants, and for the appointment of a board of metropolitan police commissioners for such cities, and defining their duties and prescribing their powers; providing for the appointment of officers, patrolmen and other members of the metropolitan police force of such cities by such board, and the manner of paying them for their services, and providing for the abolition of existing boards of police and police force in such cities, and for the abolition of the office of city marshal of such cities."

Read the first time.

On motion of Mr. Faulkner, the House adjourned until 2 o'clock.  
P. M.

---

## AFTERNOON SESSION.

JANUARY 23, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Miers moved for a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rooker, Saint, Scholl, Sweitzer, Shanks, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thomp-

son, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—87.

Mr. Humphreys moved that the further call of the roll be dispensed with.

Which was agreed to.

Mr. Willard offered the following resolution:

*Resolved*, That the chairman of the fees and salaries committee be and is hereby instructed to employ an expert, whose duties shall consist in obtaining and compiling statistics and information for the use of said committee to aid them to arrive at a correct conclusion as to what may be the necessary and just amount of fees and salaries county officers should receive; said expert to be employed for no longer period than actually necessary, and the compensation he shall receive shall not exceed four dollars per day for the time actually employed.

On the adoption of the resolution, the chair being unable to decide the vote, a standing vote was called and taken, and the resolution was adopted.

Mr. Edwins moved that the special order of to-day be postponed until next Wednesday, January 29, 1879, at 2½ o'clock, P. M.

Which was agreed to.

House Bill No. 296. Introduced by Mr. Connor, entitled "An act to fix the rates of travel in palace and sleeping cars in this State."

Read the first time.

The committee on the judiciary was granted leave of absence during the balance of the day.

House Bill No. 297. Introduced by Mr. Gordon, entitled "A bill to regulate the practice of medicine in the State of Indiana, and prescribing penalties for the violation thereof."

Read the first time.

House Bill No. 298. Introduced by Mr. Gordon, entitled "A bill to amend an act entitled an act to authorize and provide for the erection of a new State House, and for matters incident thereto, approved March 14, 1877."

Read the first time.

House Bill No. 299. Introduced by Mr. Robinson, entitled "An act to prevent persons who are the mortgagors of goods and chattels, and who by the terms of the mortgage retain possession of the same, from running off, hiding, secreting, selling, exchanging, or otherwise disposing of such goods, chattels and property, in violation of the terms of the mortgage, and prescribing penalties therefor, and repealing all conflicting laws."

Read the first time.

Mr. Reed submitted the following resolution :

*Resolved*, That the committee on the judiciary be requested to consider the propriety of adding an emergency clause to House bill No. —, entitled "An act to reduce the rate of interest on loans of the school fund from 8 to 6 per cent."

Which was adopted.

Mr. Major offered the following resolution :

*Resolved*, That the committee on roads be instructed to inquire into the expediency of having a road commission, either elected or appointed by the board doing county business, to take charge of the free gravel road law act, approved March 3, 1877, and that said gravel road commissioners be allowed to draw all money that would otherwise accrue to said roads from the road taxes, and apply the same to keeping in repair said gravel roads, and that they report by bill or otherwise at an early date.

Which was adopted.

House Bill No. 300. Introduced by Mr. Miers, entitled "An act to allow horse and street railway companies to run dummies or pneumatic engines on their roads, and declaring an emergency."

Read the first time.

House Bill No. 301. Introduced by Mr. Rodman, entitled "An act to amend an act entitled an act to exempt property from sale in certain cases, approved February 17, 1852."

Read the first time.

House Bill No. 302. Introduced by Mr. Huthsteiner, entitled "Bill for an act to authorize the board of trustees of incorporated towns in the State of Indiana to pay salaries to librarians of libraries and reading rooms in such towns."

Read the first time.



House Bill No. 303. Introduced by Mr. Huthsteiner, entitled "A bill for an act to legalize the acts and proceedings of the board of trustees and the other officers of the town of Tell City, in Perry county, in the State of Indiana, and also the record by them made of their proceedings and acts in all cases since the incorporation of said town."

Read the first time.

House Joint Resolution No. 18. Offered by Mr. Huthsteiner, "requesting our Senators and Representatives in Congress to urge the passage of a law for the repeal of the present stamp duty on bank checks and on deposits."

Read the first time and referred to the committee on federal relations.

House Bill No. 304. Introduced by Mr. Kelly, entitled "An act to amend section 3 of an act to regulate and license the sale of spirituous, vinous and malt and other intoxicating liquors; to limit the license fee to be charged by cities and towns; prescribing penalties for intoxication, and providing for the recovery of damages by injuries growing out of unlawful sale of intoxicating liquor; to repeal all former laws relating to the sale of intoxicating liquor, and all laws and parts of laws coming in conflict with the provisions of this act; providing penalties for the violation thereof, and declaring an emergency, approved March 17, 1875."

Read the first time.

House Bill No. 305. Introduced by Mr. Kelly, entitled "An act to prevent false and fictitious signatures to remonstrances against selling intoxicating liquor, and to punish offenders."

Read the first time.

Mr. Kelly submitted the following resolution, to-wit:

WHEREAS, John T. Campbell, a citizen of this State, has published a road system in statutory form, a copy of which is hereto attached, embracing many, if not all, the ideas and plans for making and working improved roads, and embracing almost the only language in which such ideas and plans can be well and clearly expressed, and has taken out a copyright on the same in the year 1871, and claims that no State can adopt the same or infringe it without his consent; therefore

*Resolved*, That the Attorney General be and is hereby requested to inquire into the matter, and that his inquiries embrace the following among other questions:



First. Can an individual anticipate legislation and cover the same by copyright, and bar the State from adopting ideas, conceptions, plans and language covered by such copyright.

Second. Might this system be considered as the equivalent of or in the light of a dramatic composition, as provided for in the law of copyright; and might the road officers be liable, in carrying out a law similar to it, as would dramatic actors in acting a drama without the consent of the author.

Third. Can the State publish and circulate a law which would be held by the courts as an infringement of the author's copyright if done by an individual.

And that he report the result of his investigation to this body at his earliest convenience.

Which was read, and on motion of Mr. Kirkpatrick, ordered to lay on the table.

House Bill No. 306. Introduced by Mr. Sleeth, entitled "An act to require trustees of express trusts to make reports under oath to the circuit courts in the counties in which the largest portion of the property held in trust is situated and to require said trustees to file bonds for the faithful performance of their duties, and providing for their removal and the appointment of successors."

Read the first time.

House Bill No. 307. Introduced by Mr. Sleeth, entitled "A bill for an act to amend sections 9 and 18 of an act to divide the State into circuits for judicial purposes; fixing the time for holding courts therein, and abolishing the courts of common pleas and transferring the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases, approved March 6, 1873, and declaring an emergency."

Read the first time.

House Bill No. 308. Introduced by Mr. Briggs, entitled "An act to amend section 1 of an act entitled an act declaring agreements to pay attorneys' fees contained in any bill of exchange, acceptance, draft, promissory note, or other written evidence of indebtedness, illegal and void, and declaring an emergency, approved March 10, 1875."

Read the first time.

House Bill No. 309. Introduced by Mr. Osborn, of Vermillion, entitled "An act in relation to the partition of real estate, and supplementary to an act concerning the partitions of lands, approved May 20, 1852."

Read the first time.

House Bill No. 310. Introduced by Mr. Arnold, of Wabash, entitled "An act to allow sheriffs and constables having a State warrant to serve to follow the defendants into an adjoining county and make a legal arrest without hinderance."

Read the first time.

Mr. Hopkins presented a petition from citizens of Vanderburg county.

Which was referred to the committee on rights and privileges.

House Bill No. 311. Introduced by Mr. Harland, entitled "An act to punish tramps."

Read the first time.

House Bill No. 312. Introduced by Mr. Mitchell, by request, entitled "A bill for an act to authorize the Governor to deposit with the Adjutant General the report of the commissioners upon the Morgan raid claims, and all papers pertaining thereto, and making said report and papers the records of the Adjutant General; authorizing certified copies of such record and papers, and fixing fees for such services, and legalizing the seal of the Adjutant General, and declaring an emergency."

Read the first time.

House Bill No. 313. Introduced by Mr. Mitchell, entitled "An act to provide for a more speedy way of listing and assessing taxable personal property; fixing the per diem of assessors; providing penalties in case of violation of any of the provisions of this act; amending sections, 126 and 127 of an act entitled an act to provide for a uniform assessment of property and the collection and return of taxes thereon, approved December 21, 1872, and declaring when it shall go into effect."

Read the first time.

Mr. Thornburg presented a petition from the citizens of Wayne county.

Which was referred to the committee on the organization of courts.

Mr. Taylor, of Daviess, submitted the following resolution :

WHEREAS, The Supreme court of the United States recently decided the anti-polygamy law of 1872 constitutional, thereby virtually deciding those persons having contracted polygamous marriages, guilty of bigamy, and the children of such illegal marital relations, bastards; therefore,

*Resolved*, That our Senotars and Representatives in Congress be requested to use their best endeavors to secure the enactment of a law declaring such children legitimate.

Which was referred to the committee on federal relations.

House Bill No. 314. Introduced by Mr. Hart, entitled "An act to amend section 10 of the common school law, approved March 12, 1875, and providing for the manner in which trustees shall employ school teachers, and repealing all laws inconsistent with this act, and declaring an emergency."

Read the first time.

The following communication was received from the Steward of the Indiana Soldiers' Orphans' Home :

KNIGHTSTOWN, IND., JANUARY 23, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives :*

DEAR SIR: Your communication of recent date, calling upon the officers and trustees for itemized bills for materials and other articles purchased for the use of the Home during the years 1867 and 1868, is at hand.

In reply I desire respectfully to refer your honorable body to the annual reports for the years mentioned, which will be furnished by the Secretary of State. In these reports you will find a statement of every item of expense for the time mentioned. Should itemized bills be required, they will be found on file in the office of the Auditor of State, as I have, in compliance with the requirements of the law, filed duplicate copies of receipted bills with the Auditor of State.

It will require a vast amount of labor to prepare copies of itemized bills for two years, and as these are accessible to the members or the committee that may desire to examine the same at the Auditor's office, I trust it may be the pleasure of the House to find the desired information from the sources indicated.



Should any additional information or explanation be desired, it will be furnished at any time.

Yours, respectfully,

R. T. BREWINGTON, Steward, S. O. H.

Which communication was ordered to lie on the table.

Mr. Tulley submitted the following resolution, to-wit:

*Resolved*, That two thousand copies of the Governor's biennial report of pardons, commutations and reprieves, and of remissions of fines and forfeitures, for the two years ending December 31, 1878, be printed for the use of this House.

Mr. Overmyer moved to amend by making it two hundred copies instead of two thousand.

Which was agreed to.

Mr. Shutt moved that the resolution as amended do lie on the table.

Which was agreed to.

The following communication was received from the Trustees of the State Normal School:

*To the House of Representatives of the General Assembly of the State of Indiana:*

The undersigned, Trustees of the Indiana State Normal School, in response to the resolution of your honorable body, which is attached hereto, beg leave to report, that on the second day of December, 1878, the board filed a report showing an itemized statement of all receipts and disbursements, and at the same time filed the required vouchers in the office of the Auditor of State; that said report has been published in pamphlet form, to which your honorable body is referred.

The following additional information, not contained in the report, is given: There are no contracts for supplies or materials for future delivery.

The following sums have been expended since making the last report:

Paid teachers for the month of November, 1878.....	\$1,370 00
Paid teachers for the month of December, 1878.....	1,370 00



## INCIDENTAL FUND.

1870.

November 22—H. D. Smith, brooms, No. 1,236.....	2 25
November 22—H. L. Hopkins, trustees, No. 1,236.....	27 50
November 29—F. Grosyerin, janitor, No. 1,237.....	50 00
November 29—Moore & Hagerty, repairs, No. 1,238....	94 13
December 5—Murry Briggs, trustees, No. 1,239.....	26 50
December 13—W. A. Ball, advertising, No. 1,241.....	75 00
December 13—W. H. Paige, repairs, No. 1,242.....	1 50
December 13—L. Thomas, clock repairs, No. 1,243.....	2 00
December 13—L. Dreuske, repairs, No. 1,244.....	2 00
December 13—W. B. Burford, diploma, No. 1,245.....	37 50
December 13—Gas Company, gas, No. 1,246.....	28 50
December 30—F. Grosyerin, janitor, No. 1,260.....	50 00
December 30—F. Grosyerin, cleaning, No. 1,261.....	3 00
	<hr/>
	\$399 85

JOHN T. SCOTT,

Secretary, for Board of Trustees.

Which communication and accompanying documents were referred to the committee on education.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed Senate bills, viz:

Engrossed Senate Bill No. 4, entitled "An act to repeal an act entitled an act to establish a superior court in the county of Wayne, defining its jurisdiction and providing for the election and compensation of the judge thereof, approved March 10, 1877, and providing for the transfer of business pending in said court to the circuit court of said county."

Also, engrossed Senate Bill No. 50, entitled "An act to amend section 30 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852."

And the same are herewith submitted to the House for its action thereon.

D. D. DALE, Secretary.

Engrossed Senate Bill No. 4, "An act to repeal an act entitled an act to establish a superior court in the county of Wayne,

defining its jurisdiction, and providing for the election and compensation of the judge thereof, approved March 10, 1877, and providing for the transfer of business pending in said court to the circuit court of said county."

Read the first time.

Engrossed Senate Bill No. 50. "An act to amend section 30 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction and powers."

Read the first time.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed concurrent resolution No. 6, "instructing our Representatives and requesting our Senators in Congress to use all honorable means to prevent the repeal of the resumption law of the United States, which went into effect the first day of January, 1879."

And the same is herewith submitted to the House for its action thereon.

D. D. DALE. Secretary.

Engrossed Senate Concurrent Resolution No. 6. "Instructing our Representatives and requesting our Senators in Congress to use all honorable means to prevent the repeal of the resumption law of the United States which went into effect the first day of January, 1879."

Mr. Willard moved to lay the resolution on the table.

On the motion to lay on the table Messrs. Owen and Copeland demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs Alden, Allen, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Vermillion, Perry, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—50.

Those who voted in the negative were: Messrs. Arnold of Blackford, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, English, Fancher, Golden, Gordon, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Rodman, Robinson, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—34.

The motion to lay on the table was agreed to.

Mr. Herod submitted the following resolution:

*Resolved*, That the Clerk of the House be and he is hereby ordered to procure through the State Board of printing and keep on hand a limited supply of lithograph letter heads and envelopes for the use of the several committees of the House.

Which was adopted.

House Bill No. 315. Introduced by Mr. Saint, entitled "An act to amend sections 3, 4, 13 and 16 of an act entitled an act to regulate and license the sale of spirituous, vinous and malt liquors, and other intoxicating liquors; to limit the license fee to be charged by cities and towns; prescribing penalties for intoxication, and providing for the recovery of damages for injuries growing out of unlawful sales of intoxicating liquors; to repeal all former laws regulating the sale of intoxicating liquors, and all laws and parts of laws in conflict with this act; providing penalties for the violation thereof and declaring an emergency, and providing a penalty for the prosecution of petitioners with signatures not genuine."

Read the first time.

Mr. Briggs offered the following concurrent resolution:

*Resolved by the House of Representatives (the Senate concurring therein)*, That our Senators in Congress are instructed and our Representatives are requested to use their utmost endeavors to secure the modification of the internal revenue laws so as to allow farmers growing tobacco to sell the same in small quantities in leaf or twist without first obtaining license from the government so to do, and that the Secretary of State is requested to forward an authenticated copy of this resolution to each of our Senators and Representatives in Congress.

Read and referred to the committee on federal relations.

House Bill No. 143. Introduced by Mr. Mitchell, was read the second time and referred to the committee on apportionment.



House Bill No. 144. Introduced by Mr. Owen, was read the second time and referred to the committee on temperance.

House Bill No. 145. Introduced by Mr. Owen, was read the second time and referred to the committee on the judiciary.

House Bill No. 146. Introduced by Mr. Tulley, was read the second time.

House Bill No. 147. Introduced by Mr. Tulley, was read the second time.

House Bill No. 148. Introduced by Mr. Tulley, was read the second time.

House Bill No. 149. Introduced by Mr. Tulley, was read the second time and referred to the committee on the judiciary.

House Bill No. 150. Introduced by Mr. Gordon, was read the second time and referred to the committee on cities and towns.

House Bill No. 151. Introduced by Mr. Dalton, was read the second time and referred to the committee on mines and mining.

House Bill No. 152. Introduced by Mr. Compton, was read the second time and referred to the committee on the judiciary.

House Bill No. 153. Introduced by Mr. Stucker, was read the second time and referred to the committee on county and township business.

House Bill No. 154. Introduced by Mr. Caldwell, was read the second time and referred to the committee on drains and dikes.

Mr. Willard, chairman of the committee on fees and salaries, made the following report:

The undersigned, chairman of the committee on fees and salaries of the House of Representatives, hereby appoint, under resolution of the House, Willard N. Meyers, of Floyd county, charged with the duty of obtaining and compiling statistics in regard to the fees and salaries of county officers.

On motion of Mr. Sweitzer, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.



## FRIDAY MORNING.

JANUARY 24, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Mr. Handy, the member from Hancock county.

The Journal of yesterday was read in part, when, on motion of Mr. Lindley, the further reading was dispensed with.

Mr. Copeland offered the following resolution:

WHEREAS, Owing to the stringency of the times, the depreciation of property and labor of the taxpayers, it is our duty to our constituents that we use every endeavor to lessen expenses and cut off all useless expenditures of this Assembly, rather than to increase the same; therefore be it

*Resolved*, That the resolution passed on yesterday, instructing the Clerk of the House to purchase lithograph letter heads and envelopes for committees, be rescinded.

Which was ordered to lie on the table.

House Bill No. 316. Introduced by Mr. Copeland, entitled "An act to amend an act entitled an act prescribing the duties of State Treasurer, approved May 20, 1852."

Read the first time.

Mr. Hopkins was granted leave of absence until Monday.

House Bill No. 317. Introduced by Mr. Kirkpatrick, entitled "A bill in relation to plank, gravel and turnpike road companies; to prevent the opening of ways around toll-gates; fixing and providing for the collection of penalties, and providing for the granting of the right of way for said road or extension thereof over public highways or portions thereof, and declaring an emergency."

Read the first time.

House Bill No. 318. Introduced by Mr. Herod, entitled "A bill to amend section 1 of an act entitled an act defining vagrancy and other offenses therein specified; providing penalties, authorizing arrests of suspected persons without warrant, providing a method of examination, authorizing search of places where unlawful practices are carried on, and arrest of inmates without warrant, and

conferring certain powers and jurisdiction on policemen and other peace officers, mayors and justices; declaring it a cumulative statute and emergency, and containing other provisions pertinent to the subject matter of the act, approved March 15, 1877."

Read the first time.

Mr. Herod presented the claims of Charles Kindler and H. Frank & Co.

Which were referred to the committee on claims.

House Bill No. 319. Introduced by Mr. Herod, entitled "An act to amend section 6 of an act concerning trusts."

Read the first time.

House Bill No. 320. Introduced by Mr. Reed, entitled "An act to enable boards of school trustees and boards of school commissioners in cities of three thousand or more inhabitants to establish special schools for certain purposes, and to compel the attendance of certain persons thereof."

Read the first time.

House Bill No. 321. Introduced by Mr. Bearss, entitled "An act to amend the sixty-second section of an act entitled an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852."

Read the first time.

House Bill No. 322. Introduced by Mr. Works, entitled "An act to amend section 40 of an act entitled an act fixing the fees, salaries, duties and compensation of the officers and persons named therein, prohibiting the violation of its provisions, and repealing certain laws, approved March 12, 1875."

Read the first time.

House Bill No. 323. Introduced by Mr. Works, entitled "An act concerning appropriations to be made by the General Assembly and the payment of employes and officers expenses by State officers."

Read the first time.

House Bill No. 324. Introduced by Mr. Edwins, entitled "An act to establish a state board of health and define the purposes thereof and provide penalties, etc."

Read the first time.

House Bill No. 325. Introduced by Mr. Sleeth, entitled "A bill for an act authorizing and regulating the advertising and letting contracts for the repair and erecting of bridges and matters connected therewith, and declaring an emergency."

Read the first time.

House Bill No. 326. Introduced by Mr. Hopkins, entitled "An act to repeal an act entitled an act to exempt certain lands therein described from taxation for general, city or town purposes, approved March 13, 1877."

Read the first time.

House Bill No. 146 was referred to the committee on the judiciary.

House Bill No. 147 was referred to the committee on rights and privileges.

House Bill No. 148 was referred to the committee on the judiciary.

House Bill No. 327. Introduced by Mr. Lehman, entitled "An act prescribing certain duties of clerks of circuit and superior courts, and providing penalties for violation thereof, and declaring an emergency."

Read the first time.

House Bill No. 328. Introduced by Mr. Lehman, entitled "An act to amend section 36 of an act entitled an act defining misdemeanors and prescribing punishment thereof, approved June 14, 1852, and declaring an emergency."

Read the first time.

Mr. Hubbard offered the following resolution:

WHEREAS, It has been charged by the public press that the trustees of the Indiana Soldiers' Orphans' Home and the trustees and officers of the other benevolent institutions of the State have been guilty of mismanagement and misappropriation of funds, and believing it the duty of the House to investigate the management of the benovolent institutions of the State and to prevent, as far as in their power, all mismanagement of said institutions and misappropriation of money by the trustees and officers of the same, regardless of the political party with which they are identified; therefore be it,

*Resolved by the House,* That a special committee of five be appointed by the Speaker of the House to investigate the management of the Indiana Soldiers' Orphans' Home and the management of all the other benevolent institutions, and to investigate fully the



charges made in the public press against the trustees of the Indiana Soldiers' Orphans' Home in regard to the misappropriations of money, and to further investigate and ascertain whether any trustee or trustees or officers of the benevolent institutions of the State have charged or received for their services any amount in excess of the amount to which they were entitled by law, and that such committee shall have power to send for and compel the attendance before them of any person to testify in relation to the matters contained in this resolution, and to compel the production and inspection of any papers or books that may be deemed necessary by them to be produced and inspected in the making of such investigation; and that said committee shall make a report of the result of such investigation to the House at as early a day as possible.

Which was adopted, and the Speaker appointed the following committee: Messrs. Hubbard, Thornburg, Saint, Edwins and Handy.

Mr. Johnston was granted leave of absence indefinitely.

House Bill No. 329. Introduced by Mr. Willard, entitled "An act to establish a state board of health in the State of Indiana, and defining its powers and duties."

Read the first time.

Mr. Tulley offered the following resolution:

WHEREAS, It is necessary to a full and complete examination of the affairs of the prisons of this State; therefore be it

*Resolved*, That the House authorize the committee on affairs of prisons to send for persons and papers and authority to examine persons under oath touching any matter relating to the management of said prisons.

Which resolution was adopted.

Mr. Taylor, of Warrick, presented a petition from sundry citizens of Warrick county.

Which was referred to the committee on temperance.

House Bill No. 330. Introduced by Mr. Arnold, of Wabash, entitled "An act to amend section 7 of an act entitled an act providing for the election and appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation therewith, approved March 5, 1877, and adding an emergency clause."

Read the first time.



House Bill No. 331. Introduced by Mr. Overmyer, entitled "An act to limit taxation by township trustees and boards of school trustees, defining certain duties of said officials, and prescribing punishment for the violation of this act."

Read the first time.

Mr. Huthsteiner presented a petition from citizens of Perry county.

Which was referred to the committee on education.

Mr. Taylor made the following report from the committee on corporations:

MR. SPEAKER:

Your committee on corporations, to which was referred House bill No. 14, have had the same under consideration and have directed me to report the same back to the House with the recommendation that the said bill do pass.

Which report was concurred in.

A communication from the Governor was received and referred to the committee on ways and means.

Engrossed Senate Bill No. 4 was read the second time.

Engrossed Senate Bill No. 50 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 32 was read the third time, and the question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Compton, Confer, Connor, Copeland, Davidson, Davis, Donnell, English, Gordon, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Lehman, Lindley, March, Messick, Nave, Osborn of Elkhart, Robeson, Robinson, Rodman, Scholl, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Works and Mr. Speaker—53.

Those who voted in the negative were: Messrs. Allen, Briggs, Bryant, Carter, Connaway, Cunningham, Dailey, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Golden, Handy, Hart, Hubbard, Kelly, Kester, Kirkpatrick, Major, Miers, Mitchell, Osborn

of Vermillion, Overmyer, Owen, Reichelderfer, Rooker, Schweitzer, Shauck, Shutt, Stucker, Taylor of Warrick, Thornburg and Wimmer—35.

The bill passed.

The title was read, and the question being, shall the title stand as read?

It was agreed to.

Mr. Sleeth moved that the constitutional rules be suspended and House bill No. 269 be taken up and read the second time by title, and third time by section, and put upon its passage.

On motion of Mr. Sleeth, the roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Golden, Gordon, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reichelderfer, Robeson, Rodman, Robinson, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Thornburg, Tulley, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—76.

Those who voted in the negative were: Messrs. Allen, English, Handy, Lehman, Messick, Miers, Rooker, Scholl, Vanpelt and Willard—10.

The constitutional rule was suspended.

House Bill No. 269. Introduced by the judiciary committee, was read the second time.

Mr. Herod moved to recommit the bill to a special committee.

On the motion to refer to a special committee, Messrs. Edwins and Willard demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Davidson, Davis, Drake, Drover, Edwins, English, Flodder, Galbraith, Ginz,

Handy, Hart, Herod, Hosmer, Humphreys, Kester, Lehman, Lindley, Major, Messick, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Owen, Reichelderfer, Robinson, Scholl, Schweitzer, Shauck, Shields, Taylor of Daviess, Thayer, Thompson, Vanpelt, Van Valzah, Willard, Wimmer and Mr. Speaker—52.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, Faulkner, Golden, Gordon, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kirkpatrick, March, Mitchell, Overmyer, Robeson, Rodman, Saint, Shanks, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thornburg, Tulley, Vawter, Watson and Works—36.

The motion was agreed to, and the Speaker appointed the following committee: Messrs. Herod, Watson, Humphreys, Stucker and Briggs.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate concurrent resolution No. 7, "relating to judgments and satisfaction thereof."

And the same is herewith submitted to the House for its action thereon.

D. D. DALE, Secretary.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has adopted the following resolution of the House viz:

"House Concurrent Resolution No. —. *Resolved by the House (the Senate concurring)*, That our Senators in Congress are hereby instructed and our Representatives are requested to use their utmost endeavors to secure the passage of a law pensioning the remaining few survivors of the Mexican war as a matter of justice to brave men who, by their heroism, aided the government to acquire territory of incalculable value to the country and preserve the honor of the nation."

D. D. DALE, Secretary.

On motion of Mr. Allen, the House adjourned until two o'clock P. M.



## AFTERNOON SESSION.

JANUARY 24, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

House Bill No. 155. Introduced by Mr. Donnell, was read the second time and referred to the committee on the judiciary.

House Bill No. 332. Introduced by Mr. Gordon, entitled "A bill for an act supplemental to an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852."

Read the first time.

House Bill No. 156. Introduced by Mr. Donnell, was read the second time and referred to the committee on the judiciary.

House Bill No. 113. Introduced by Mr. Osborn, was read the second time.

Mr. Osborn moved to amend sections 1, 4 and 10.

Which several amendments were read and referred, with pending amendments, to the committee on fees and salaries.

House Bill No. 157. Introduced by Mr. March, was read the second time and referred to the committee on the judiciary.

House Bill No. 158. Introduced by Mr. March, was read the second time and referred to the committee on the judiciary.

House Bill No. 159. Introduced by Mr. March; was read the second time and referred to the committee on rights and privileges.

House Bill No. 160. Introduced by Mr. Stevens, was read the second time and referred to the committee on the judiciary.

House Bill No. 161. Introduced by Mr. Willard, was read the second time and referred to the committee on rights and privileges.

House Bill No. 162. Introduced by Mr. Willard, was read the second time and referred to the committee on rights and privileges.

House Bill No. 163. Introduced by Mr. Connaway, was read the second time and referred to the committee on the judiciary.

House Bill No. 164. Introduced by Mr. Connaway, was read the second time and referred to the committee on the judiciary.



House Bill No. 165. Introduced By Mr. Davidson, was read the second time and referred to the committee on the judiciary.

House Bill No. 166. Introduced by Mr. Davidson, was read the second time and referred to the committee on the judiciary.

House Bill No. 167. Introduced by Mr. Davidson, was read the second time and referred to the committee on agriculture.

House Bill No. 168. Introduced by Mr. Humphreys, was read the second time and referred to the committee on the judiciary.

House Bill No. 169. Introduced by Mr. Lindley, was read the second time and referred to the committee on the organization of courts.

House Bill No. 170. Introduced by Mr. Handy, was read the second time and referred to the committee on the judiciary.

House Bill No. 171. Introduced by Mr. Handy, was read the second time and referred to the committee on the judiciary.

House Bill No. 172. Introduced by Mr. Handy, was read the second time and referred to the committee on roads.

House Bill No. 173. Introduced by Mr. Hess, was read the second time and referred to the committee on the organization of courts.

House Bill No. 174. Introduced by Mr. Golden, was read the second time and referred to the committee on the judiciary.

House Bill No. 175. Introduced by Mr. Saint, was read the second time and referred to the committee on roads.

House Bill No. 176. Introduced by Mr. Saint, was read the second time and referred to the committee on the judiciary.

House Bill No. 177. Introduced by Mr. Copeland, was read the second time and referred to the committee on county and township business.

House Bill No. 178. Introduced by Mr. Fancher, was read the second time and referred to the committee on the judiciary.

House Bill No. 179. Introduced by Mr. Connor, was read the second time and referred to the committee on agriculture.

House Bill No. 180. Introduced by Mr. Connor, was read the second time and referred to the committee on rights and privileges.

House Bill No. 181. Introduced by Mr. Robinson, was read the second time and referred to the committee on the judiciary.

House Bill No. 182. Introduced by Mr. Major, was read the second time and referred to the committee on rights and privileges.

House Bill No. 183. Introduced by Mr. Major, was read the second time and referred to the committee on county and township business.

House Bill No. 184. Introduced by Mr. Works, was read the second time and referred to the committee on the judiciary.

House Bill No. 185. Introduced by Mr. Allen, was read the second time and referred to the committee on ways and means.

House Bill No. 186. Introduced by Mr. Huthsteiner, was read the second time and referred to the committee on the judiciary.

House Bill No. 187. Introduced by Mr. Blockley, was read the second time and referred to the committee on the judiciary.

House Bill No. 188. Introduced by Mr. Faulkner, was read the second time and referred to the committee on the judiciary.

House Bill No. 189. Introduced by Mr. Faulkner, was read the second time and referred to the committee on ways and means.

House Bill No. 190. Introduced by Mr. Vawter, was read the second time and referred to the committee on claims.

House Bill No. 191. Introduced by Mr. Edwins, was read the second time and referred to the committee on the judiciary.

House Bill No. 192. Introduced by Mr. Shutt, was read the second time and referred to the committee on cities and towns.

House Bill No. 193. Introduced by Mr. Tulley, was read the second time and referred to the committee on rights and privileges.

House Bill No. 194. Introduced by Mr. Reichelderfer, was read the second time and referred to the committee on temperance.

House Bill No. 195. Introduced by Mr. Scholl, was read the second time and referred to the committee on county and township business.

House Bill No. 196. Introduced by Mr. Compton, was read the second time and referred to the committee on the judiciary.

House Bill No. 197. Introduced by Mr. Caldwell, was read the second time and referred to the committee on roads.

House Bill No. 198. Introduced by Mr. Stucker, was read the second time, when Mr. Herod moved to amend by striking out everything in reference to criminal courts.

Which was referred, with pending amendment, to the committee on the organization of courts.

House Bill No. 199. Introduced by Mr. March, was read the second time and referred to the committee on roads.

House Bill No. 200. Introduced by Mr. Shutt, was read the second time and referred to the committee on the judiciary.

House Bill No. 201. Introduced by Mr. Shutt, was read the second time and referred to the committee on temperance.

House Bill No. 202. Introduced by Mr. Connaway, was read the second time and referred to the committee on cities and towns.

House Bill No. 203. Introduced by Mr. Davidson, was read the second time and referred to the committee on corporations.

House Bill No. 204. Introduced by Mr. Carey, was read the second time and referred to the committee on the judiciary.

House Bill No. 205. Introduced by Mr. Arnold, of Grant, was read the second time and referred to the committee on the judiciary.

House Bill No. 206. Introduced by Mr. Arnold, of Grant, was read the second time and referred to the committee on county and township business.

House Bill No. 207. Introduced by Mr. Lindley, was read the second time and referred to the committee on elections.

House Bill No. 208. Introduced by Mr. Handy, was read the second time and referred to the committee on ways and means.

House Bill No. 209. Introduced by Mr. Johnston, was read the second time and referred to the committee on county and township business.

House Bill No. 210. Introduced by Mr. Kirkpatrick, was read the second time and referred to the committee on agriculture.

House Bill No. 211. Introduced by Mr. Thayer, was read the second time and referred to the committee on the judiciary.

House Bill No. 212. Introduced by Mr. Taylor, of Lagrange, was read the second time and referred to the committee on rights and privileges.



House Bill No. 213. Introduced by Mr. Edwins, was read the second time and referred to the committee on the judiciary.

House Bill No. 214. Introduced by Mr. Edwins, was read the second time and referred to the committee on railroads.

House Bill No. 215. Introduced by Mr. Edwins, was read the second time and referred to the committee on rights and privileges.

House Bill No. 216. Introduced by Mr. Robinson, was read the second time and referred to the committee on rights and privileges.

House Bill No. 217. Introduced by Mr. Osborn, was read the second time and referred to the committee on the judiciary.

House Bill No. 218. Introduced by Mr. Schweitzer, was read the second time and referred to the committee on the judiciary.

House Bill No. 219. Introduced by Mr. Schweitzer, was read the second time and referred to the committee on rights and privileges.

House Bill No. 220. Introduced by Mr. Allen, was read the second time and referred to the committee on the judiciary.

House Bill No. 221. Introduced by Mr. Huthsteiner, was read the second time and referred to the committee on the judiciary.

House Joint Resolution No. 13 was read the second time and referred to the committee on federal relations.

Mr. Works introduced the following resolution:

WHEREAS, Bills introduced by members of the House amending laws now in force impose much labor on committees to whom such bills are referred, in searching for the laws sought to be amended that might be avoided by the author of such bills noting on the same the page of the statute on which the law may be found; therefore

*Resolved*, That members of the House introducing such bills are requested to note on the bill the volume and page of the statute where the law sought to be amended may be found.

Which laid over until to-morrow, under the rules.

House Bill No. 222. Introduced by Mr. Sleeth, was read the second time.

Mr. Sleeth moved to amend so as to read "the board of trustees of any incorporated town," instead of "any incorporated town," where the same first occurs in said act.

Which was then referred, with the amendment, to the committee on cities and towns.



House Bill No. 223. Introduced by Mr. Sleeth, was read the second time and referred to the committee on roads.

House Bill No. 224. Introduced by Mr. Arnold, of Wabash, was read the second time and referred to the committee on the judiciary.

House Bill No. No. 225. Introduced by Mr. Owen, was read the second time and referred to the committee on agriculture.

House Bill No. 226. Introduced by Mr. Tulley, was read the second time and referred to the committee on rights and privileges.

House Bill No. 227. Introduced by Mr. Tulley, was read the second time and referred to the committee on rights and privileges.

House Bill No. 228. Introduced by Mr. Dailey, was read the second time and referred to the committee on education.

House Bill No. 229. Introduced by Mr. Stucker, was read the second time and referred to the committee on the judiciary.

House Bill No. 230. Introduced by Mr. Stucker, was read the second time and referred to the committee on the judiciary.

House Bill No. 231. Introduced by Mr. Shutt, was read the second time and referred to the committee on cities and towns.

House Bill No. 232. Introduced by Mr. Shutt, was read the second time and referred to the committee on the judiciary.

House Bill No. 233. Introduced by Mr. Flodder, was read the second time and referred to the committee on roads.

House Bill No. 234. Introduced by Mr. Flodder, was read the second time and referred to the committee on rights and privileges.

House Bill No. 333. Introduced by Mr. Herod, entitled "An act to authorize religious societies and churches to elect sextons, and giving such sextons power to make arrest for violations of law in or about places of worship, or for disturbing religious meetings."

Read the first time.

House Bill No. 334. Introduced by Mr. Herod, entitled "An act to incorporate Phi Delta Theta fraternity, and defining its duties and power."

Read the first time.

House Bill No. 335. Introduced by Mr. Herod; entitled "An act authorizing the appointment of fish commissioners, fixing their duties, powers and salaries, and amending section 3 of an act approved February 23, 1873, for the protection of fish."

Read the first time.

House Bill No. 235. Introduced by Mr. Connaway, was read the second time and referred to the committee on the judiciary.

House Bill No. 236. Introduced by Mr. Carey, was read the second time and referred to the committee on rights and privileges.

House Bill No. 237. Introduced by Mr. Davidson, was read the second time and referred to the committee on rights and privileges.

House Bill No. 238. Introduced by Mr. Snoddy, was read the second time and referred to the committee on the judiciary.

House Bill No. 239. Introduced by Mr. Rooker, was read the second time and referred to the committee on trust funds.

House Bill No. 240. Introduced by Mr. Wimmer, was read the second time and referred to the committee on rights and privileges.

House Bill No. 336. Introduced by Mr. Carter, entitled "A bill on fees and salaries."

Read the first time.

Mr. Willard moved that two hundred copies of House bill No. 336 be printed for the use of the members.

Which was agreed to.

House Bill No. 241. Introduced by Mr. Wimmer, was read the second time and referred to the committee on the judiciary.

House Bill No. 242. Introduced by Mr. Wimmer, was read the second time and referred to the committee on the judiciary.

House Bill No. 243. Introduced by Mr. Overmyer, was read the second time and referred to the committee on elections.

House Bill No. 244. Introduced by Mr. Overmyer, was read the second time and referred to the committee on the judiciary.

House Bill No. 245. Introduced by Mr. Fancher, was read the second time and referred to the committee on cities and towns.

House Bill No. 246. Introduced by Mr. Reed, was read the second time and referred to the committee on benevolent institutions.

House Bill No. 247. Introduced by Mr. Reed, was read the second time and referred to the committee on the judiciary.

House Bill No. 251. Introduced by Mr. Osborn, of Elkhart, was read the second time and referred to the committee on the judiciary.

House Bill No. 252. Introduced by Mr. Osborn, of Elkhart, was read the second time and passed to a third reading.

House Bill No. 253. Introduced by Mr. Osborn, of Elkhart, was read the second time and referred to the committee on corporations.

House Bill No. 254. Introduced by Mr. Osborn, of Elkhart, was read the second time and referred to the committee on elections.

House Bill No. 255. Introduced by Mr. Gordon, was read the second time and referred to the committee on the judiciary.

The committee on prisons was granted leave of absence until Thursday morning.

On motion of Mr. Willard, the House adjourned until 10 o'clock Saturday morning.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## SATURDAY MORNING.

JANUARY 25, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Mr. Major, the member from Morgan.

The Journal of yesterday was read in part, when, on motion of Mr. Garrouette, the further reading was dispensed with.

House Bill No. 248. Introduced by Mr. Schweitzer, was read the second time and referred to the committee on the judiciary.



House Bill No. 337. Introduced by Mr. Compton, entitled "An act to provide for the collection of delinquent taxes and sale of real estate therefor, and to amend section 205 of an act to provide for uniform assessment of property."

Read the first time.

House Bill No. 338. Introduced by Mr. Compton, entitled "An act providing for the disposition of road tax collection from property assessed in towns and cities."

Read the first time.

House Bill No. 339. Introduced by Mr. Connor, entitled "An act to prohibit the killing or taking of quail for three years."

Read the first time.

House Bill No. 249. Introduced by Mr. Schweitzer, was read the second time and referred to the committee on the judiciary.

House bill No. 250. Introduced by Mr. Schweitzer, was read the second time and referred to the committee on education.

House Bill No. 256. Introduced by Mr. Huthsteiner, was read the second time and referred to the committee on county and township business.

House Bill No. 257. Introduced by Mr. Blockley, was read the second time and referred to the committee on roads.

House Bill No. 258. Introduced by Mr. Sleeth, was read the second time and referred to the committee on the judiciary.

House Bill No. 259. Introduced by Mr. Saint, was read the second time and referred to the committee on rights and privileges.

House Bill No. 261. Introduced by Mr. Vanpelt, was read the second time and referred to the committee on roads.

On motion of Mr. Osborn, of Elkhart, the judiciary committee was granted leave of absence for the day.

House Bill No. 262. Introduced by Mr. Perry, was read the second time and referred to the committee on county and township business.

House Bill No. 263. Introduced by Mr. Perry, was read the second time and referred to the committee on rights and privileges.

House Bill No. 264. Introduced by Mr. Ginz, was read the second time and referred to the committee on rights and privileges.



House Bill No. 265. Introduced by Mr. Kester, was read the second time and referred to the committee on county and township business.

House Bill No. 266. Introduced by Mr. Taylor, of Warrick, was read the second time and referred to the committee on the judiciary.

House Bill No. 267. Introduced by Mr. Taylor, of Daviess, was read the second time and referred to the committee on county and township business.

House Bill No. 268. Introduced by Mr. Taylor, of Daviess, was read the second time and referred to the committee on the judiciary.

House Bill No. 270. Introduced by Mr. Dailey, was read the second time and referred to the committee on elections.

House Bill No. 271. Introduced by Mr. Compton, was read the second time and referred to the committee on railroads.

House Bill No. 272. Introduced by Mr. Donnell, was read the second time and referred to the committee on the judiciary.

House Bill No. 273. Introduced by Mr. March, was read the second time and referred to the committee on the judiciary.

House Bill No. 274. Introduced by Mr. March, was read the second time and referred to the committee on the judiciary.

House Bill No. 275. Introduced by Mr. Willard, was read the second time and referred to the committee on rights and privileges.

House Bill No. 276. Introduced by Mr. Connaway, was read the second time and referred to the committee on the organization of courts.

House Bill No. 277. Introduced by Mr. Davidson, was read the second time and referred to the committee on education.

House Bill No. 278. Introduced by Mr. Humphreys, was read the second time and referred to the committee on rights and privileges.

House Bill No. 279. Introduced by Mr. Kirkpatrick, was read the second time and referred to the committee on the judiciary.

House Bill No. 280. Introduced by Mr. Rooker, was read the second time and referred to the committee on roads.

House Bill No. 281. Introduced by Mr. Wimmer, was read the second time and referred to the committee on fees and salaries.

House Bill No. 282. Introduced by Mr. Wimmer, was read the second time and referred to the committee on education.

House Bill No. 283. Introduced by Mr. Wimmer, was read the second time and referred to the committee on fees and salaries.

House Bill No. 284. Introduced by Mr. Brown, of Jasper, was read the second time and referred to the committee on drains and dikes.

House Bill No. 340. Introduced by Mr. Humphreys, entitled "An act to fix the number of Senators and Representatives in the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency."

Read the first time.

On motion of Mr. Humphreys, two hundred copies of House bill No. 340 was ordered printed for the use of the members.

House Bill No. 285. Introduced by Mr. Golden, was read the second time and referred to the committee on the judiciary.

House Bill No. 286. Introduced by Mr. Golden, was read the second time and referred to the committee on the judiciary.

House Bill No. 287. Introduced by Mr. Copeland, was read the second time and referred to the committee on county and township business.

House Bill No. 288. Introduced by Mr. Copeland, was read the second time and referred to the committee on railroads.

House Bill No. 289. Introduced by Mr. Dalton, was read the second time and referred to the committee on the organization of courts.

House Bill No. 290. Introduced by Mr. Fancher, was read the second time and referred to the committee on agriculture.

House Bill No. 291. Introduced by Mr. Taylor, of Lagrange, was read the second time and referred to the committee on rights and privileges.

House Bill No. 292. Introduced by Mr. Taylor, of Lagrange, was read the second time and referred to the committee on rights and privileges.

House Bill No. 293. Introduced by Mr. Taylor, of Lagrange, was read the second time and referred to the committee on the judiciary.

House Bill No. 294. Introduced by Mr. Edwins, was read the second time and referred to the committee on rights and privileges.

House Bill No. 295. Introduced by Mr. English, was read the second time and referred to the committee on the affairs of the city of Indianapolis.

House Bill No. 296. Introduced by Mr. Connor, was read the second time and referred to the committee on rights and privileges.

House Bill No. 297. Introduced by Mr. Gordon, was read the second time and referred to the committee on sanitary affairs.

House Bill No. 298. Introduced by Mr. Gordon, was read the second time and referred to the committee on public buildings.

House Bill No. 299. Introduced by Mr. Robinson, was read the second time and referred to the committee on rights and privileges.

House Bill No. 300. Introduced by Mr. Miers, was read the second time and referred to the committee on railroads.

House Bill No. 301. Introduced by Mr. Rodman, was read the second time and referred to the committee on rights and privileges.

House Bill No. 302. Introduced by Mr. Huthsteiner, was read the second time and referred to the committee on education.

House Bill No. 303. Introduced by Mr. Huthsteiner, was read the second time and referred to committee on cities and towns.

House Bill No. 304. Introduced by Mr. Kelly, was read the second time and referred to the committee on temperance.

House Bill No. 305. Introduced by Mr. Kelly, was read the second time and referred to the committee on temperance.

House Bill No. 306. Introduced by Mr. Sleeth, was read the second time and referred to the committee on the judiciary.

House Bill No. 307. Introduced by Mr. Sleeth, was read the second time and referred to the committee on the organization of courts.

House Bill No. 308. Introduced by Mr. Briggs, was read the second time and referred to the committee on the judiciary.



Mr. English presented the claim of Isaac Taylor.

Which was referred to the committee on claims.

House Bill No. 309. Introduced by Mr. Osborn, of Vermillion, was read the second time and referred to the committee on the judiciary.

House Bill No. 310. Introduced by Mr. Arnold, of Wabash, was read the second time and referred to the committee on the judiciary.

House Bill No. 311. Introduced by Mr. Harland, was read the second time and referred to the committee on rights and privileges.

House Bill No. 312. Introduced by Mr. Mitchell, was read the second time and referred to the committee on claims.

House Bill No. 313. Introduced by Mr. Mitchell, was read the second time and referred to the committee on county and township business.

House Bill No. 314. Introduced by Mr. Hart, was read the second time and referred to the committee on education.

House Bill No. 316. Introduced by Mr. Copeland, was read the second time and referred to the committee on the judiciary.

House Bill No. 317. Introduced by Mr. Kirkpatrick, was read the second time and referred to the committee on roads.

House Bill No. 318. Introduced by Mr. Herod, was read the second time and referred to the committee on rights and privileges.

House Bill No. 319. Introduced by Mr. Herod, was read the second time and referred to the committee on the judiciary.

House Bill No. 320. Introduced by Mr. Reed, was read the second time and referred to the committee on education.

House Bill No. 321. Introduced by Mr. Bearss, was read the second time and referred to the committee on the judiciary.

House Bill No. 322. Introduced by Mr. Works, was read the second time and referred to the committee on fees and salaries.

House Bill No. 323. Introduced by Mr. Works, was read the second time and referred to the committee on ways and means.

House Bill No. 324. Introduced by Mr. Edwins, was read the second time and referred to the committee on sanitary affairs.

House Bill No. 325. Introduced by Mr. Sleeth, was read the second time and referred to the committee on county and township business.

House Bill No. 326. Introduced by Mr. Hopkins, was read the second time and referred to the committee on cities and towns.

House Bill No. 327. Introduced by Mr. Lehman, was read the second time and referred to the committee on the judiciary.

House Bill No. 328. Introduced by Mr. Lehman, was read the second time and referred to the committee on the judiciary.

House Bill No. 329. Introduced by Mr. Willard, was read the second time and referred to the committee on rights and privileges.

House Bill No. 330. Introduced by Mr. Arnold, of Wabash, was read the second time and referred to the committee on township business.

House Bill No. 331. Introduced by Mr. Overmyer, was read the second time and referred to the committee on ways and means.

House Bill No. 332. Introduced by Mr. Gordon, was read the second time and referred to the committee on the judiciary.

House Bill No. 333. Introduced by Mr. Herod, was read the second time and referred to the committee on rights and privileges.

House Bill No. 334. Introduced by Mr. Herod, was read the second time and referred to the committee on benevolent institutions.

House Bill No. 335. Introduced by Mr. Herod, was read the second time and referred to the committee on rights and privileges.

House Bill No. 341. Introduced by Mr. Stucker, entitled "An act in relation to the conduct of business in circuit courts, and fixing a time for the petit jury of such circuit court to be summoned to appear for duty, and repealing all conflicting sections."

Read the first time.

House Bill No. 342. Introduced by Mr. Stucker, entitled "An act to authorize the county commissioners to contract for the county property of all kinds and classes, and for supplies, books, stationery and other articles for the several county and township officers, and in the contract of public business; prescribing the mode of contracting and furnishing the same, and fixing penalties and prescribing punishment for a violation of the provisions of this act by such

commissioners or other persons, and repealing certain laws in conflict with this act."

Read the first time.

The following communication was received:

OFFICE OF THE BOARD OF COMMISSIONERS,  
INDIANAPOLIS, IND., JANUARY 24, 1879.

*Hon. H. S. Cauthorn,*

*Speaker of the House of Representatives:*

SIR: The Board of State House Commissioners respectfully invite all the members of the Legislature to inspect the plans for the new State House and the specimens of stone designed for its construction at any time that suits their convenience.

The office of the board is in Fletcher & Sharpe's building, rooms 54 and 55.

The commissioners will be pleased to exhibit the plans, and give any information in regard to the building that may be desired.

Respectfully,

J. D. WILLIAMS, President.

On motion of Mr. Herod, when the House adjourns, it will adjourn to meet again at 2 o'clock, P. M., of Monday next.

On motion of Mr. Herod the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## MONDAY AFTERNOON.

JANUARY 27, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Mr. Handy, the member from Hancock.

The Journal of Saturday was read in part, when, on motion of Mr. Gordon, the further reading was dispensed with.



House Bill No. 343. Introduced by Mr. Shutt, entitled "An act to more effectually provide for the listing and assessment of personal property for the purpose of taxation, and declaring an emergency."

Read the first time.

Mr. March presented a petition from the citizens of Delaware county.

Which was referred to the committee on agriculture.

House Bill No. 344. Introduced by Mr. Willard, entitled "A bill for an act fixing the fees, salaries, duties and compensation of the officers and persons named therein; providing for the disposition of fees paid to certain officers named therein; prohibiting the violation of its provisions; repealing certain laws, and declaring an emergency."

Read the first time, and two hundred copies ordered printed.

Mr. Brown, of Jasper and White, presented a petition from the citizens of Jasper county.

Which was referred to the committee on swamp lands.

House Bill No. 345. Introduced by Mr. Brown, of Jasper, entitled "An act to amend section 22 of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852."

Read the first time.

House Bill No. 346. Introduced by Mr. Lehman, entitled "A bill authorizing the sale of certain real estate belonging to the State of Indiana."

Read the first time.

House Bill No. 347. Introduced by Mr. Gordon, entitled "A bill for an act defining defamation and prescribing penalties therefor."

Read the first time.

House Bill No. 348. Introduced by Mr. Gordon, entitled "A bill for an act supplemental to an act entitled an act to revise, simplify and abridge the rules, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852."

Read the first time.

House Bill No. 349. Introduced by Mr. Gordon, entitled "A bill for an act supplemental to an act entitled an act defining felonies, and prescribing punishment therefor, approved June 10, 1852."

Read the first time.

Mr. Works, from the joint committee on enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on enrolled bills have carefully compared enrolled act No. 32, Senate, with the engrossed bill, and find the same correctly enrolled.

House Bill No. 350. Introduced by Mr. Gordon, entitled "An act to repeal certain acts therein named, and for other purposes properly connected therewith."

Read the first time.

Mr. Herod presented the claim of Jessie Jones.

Which was referred to the committee on claims.

House Bill No. 351. Introduced by Mr. Herod, entitled "An act to authorize justices of the peace to appoint persons to discharge duties in certain cases, and declaring an emergency."

Read the first time.

House Bill No. 352. Introduced by Mr. Robinson, entitled "An act for the relief of mortgagers in certain cases where property is foreclosed and bid in for less than the judgment and costs, and repealing all conflicting laws, and providing that the effect of this law shall not apply to mortgagers on state funds.

Read the first time.

House Bill No. 353. Introduced by Mr. Kelly, entitled "An act defining what shall constitute a newspaper within the legal meaning of the law."

Read the first time.

Mr. Kelly moved to take from the table the resolution inquiring into the legality of John T. Campbell's copyright.

Which was agreed to.

Mr. Kelly moved to refer the same to the committee on rights and privileges.

Which was agreed to.

House Bill No. 354. Introduced by Mr. Watson, entitled "An act to amend section 204 of an act entitled an act to provide for a uniform assessment of property and for the collection and return of taxes thereon, approved December 21, 1872, and to legalize certain irregularities, and declaring an emergency."

Read the first time.

House Bill No. 355. Introduced by Mr. Sleeth, entitled "A bill for an act defining the law of verbal slander, and fixing the punishment therefor."

Read the first time.

House Bill No. 356. Introduced by Mr. Vanpelt, entitled "An act to amend section 64 of an act entitled an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852."

Read the first time.

Mr. Vanpelt presented a petition from the citizens of Shelby county.

Which was referred to the committee on fees and salaries.

House Bill No. 357. Introduced by Mr. Garrouette, entitled "An act to amend section 12 of an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed."

Read the first time.

House Bill No. 358. Introduced by Mr. Taylor, of Warrick, entitled "An act relating to tramps."

Read the first time.

House Bill No. 359. Introduced by Mr. Campbell, entitled "An act for an act defining a tippling house, and fixing the penalties for keeping one without a license; also determining the quantity and kind of evidence to prove a house to be a tippling house, and repealing all former laws and parts of laws in conflict with the provisions of this act, and declaring an emergency."

Read the first time.



House Bill No. 360. Introduced by Mr. Schweitzer entitled "An act to amend sections 1 and 14 of an act entitled an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, approved May 6, 1852."

Read the first time.

House Bill No. 361. Introduced by Mr. Schweitzer, entitled "An act to repeal all laws supplemental to, amendatory of, and inconsistent with any of the provisions of an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865."

Read the first time.

House Bill No. 362. Introduced by Mr. Schweitzer, entitled "An act to amend sections 9 and 14 of an act entitled an act to regulate and license the sale of spirituous, vinous and malt and other intoxicating liquors; to limit the license fee to be charged by cities and towns; prescribing penalties for intoxication, and providing for the recovery of damages for injuries growing out of unlawful sales of intoxicating liquors, and repealing all laws and parts of laws coming in conflict with the provisions of this act; prescribing penalties for the violation thereof, and declaring an emergency."

Read the first time.

House Bill No. 363. Introduced by Mr. Schweitzer, entitled "An act to regulate the practice of dentistry in the State of Indiana."

Read the first time.

The following communication was received from the Auditor of State:

INDIANAPOLIS JANUARY 23, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

DEAR SIR: In answer to a resolution of the House, certified to this office the 21st inst., requesting this office to report the amount of taxes collected under section 6 of a supplementary and amendatory act, approved March 8, 1873, I have the honor to say that from the time the act went into effect to the present time there has been paid into the State Treasury \$1,308.25, as shown by the records in

this office. The foregoing amount has all been paid the "Lake Shore Sleeping Car Co." The enforcement of this act has been resisted in the courts by the transportation companies on the grounds that the act is unconstitutional, and so far the question has not been terminated.

The suit brought by the State has been conducted by Judge Solomon Claypool, of this city, who will appear before the proper committee at any time and give all information required in regard to the matter. To give more complete information to your honorable body, I herewith append a statement in regard to the matter, published in the annual report of this office for the year 1875.

I have the honor to be,

Yours with great respect,

E. HENDERSON, Auditor of State.

#### STATEMENT.

The General Assembly of this State at the special session of 1873, (Acts 1873, p. 205,) enacted a law, by the sixth section of which it is provided that "Any corporation, whether foreign or domestic, firm or individual, engaged in the business of transporting or carrying freight or passengers on any railroad of this State, upon any contract or agreement with such railroad company, shall, in the months of January and July of each year, report to the Auditor of State \* \* \* the gross amount of all receipts received in the State of Indiana, on account of the transportation of passengers or freight, for the six months last preceding, ending on the last days of December and June; and shall, at the time of such report, pay into the treasury of the State the sum of three dollars on each one hundred dollars of such receipts for passage fare; and the sum of one dollar on every one hundred dollars of such receipts for transporting freight."

By the seventh section of the same act, it is provided that "Any corporation, firm or individual, engaged in such business, failing or refusing for more than thirty days to render an accurate account of the receipts as provided, and to pay the required tax thereon, shall forfeit one hundred dollars for each additional day such report and payment shall be delayed, to be recovered in the name of the State of Indiana, on the relation of the Auditor of State, in any court of competent jurisdiction."

The existence of this law seems to have been ignored ; at least but one of the many transportation companies, affected by its provisions, has complied therewith. I caused the attention of a number of the corporations affected to be called to their delinquency, and liability to be sued for the recovery of the forfeiture prescribed, and was informed that it was the intention to contest the validity of the law, whereupon I engaged F. M. Trissal, Esq., and Judge Solomon Claypool to institute such proceedings as might be necessary to test the legality of the act, and suit was accordingly instituted against the American Express Company, (one of the corporations affected), in the Superior Court of Marion county, which, upon the petition of the defendant, has been removed to the Circuit Court of the United States for the district of Indiana, where it is now pending, and, I am advised by counsel, will be heard in a few days. The suit is brought to recover the forfeiture of one hundred dollars a day, prescribed by the act. The result of this case will determine the rights of the State against all other corporations similarly affected, and should the law be held to be valid, will result in bringing a large amount of revenue into the State Treasury from a source not heretofore reached by ordinary process of taxation.

Which communication was referred to the committee on ways and means.

House Bill No. 315. Introduced by Mr. Saint, was read the second time and referred to the committee on temperance.

House Bill No. 337. Introduced by Mr. Compton, was read the second time and referred to the committee on county and township business.

House Bill No. 338. Introduced by Mr. Compton, was read the second time and referred to the committee on county and township business.

House Bill No. 339. Introduced by Mr. Connor, was read the second time and referred to the committee on rights and privileges.

The following message was received from the Senate :

MR. SPEAKER :

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled Senate bill No. 32, "An act to allow the judiciary committee of the Senate and House of Representatives of the State of Indiana each a separate clerk especially for the business before them, repealing all conflicting acts



and declaring an emergency," and the same is herewith transmitted to the House for the signature of the Speaker thereto.

D. D. DALE, Secretary.

House Bill No. 340. Introduced by Mr. Humphreys, was read the second time and referred to the committee on apportionment.

House Bill No. 341. Introduced by Mr. Stucker, was read the second time and referred to the committee on the judiciary.

House Bill No. 342. Introduced by Mr. Stucker, was read the second time and referred to the committee on county and township business.

The following communication was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following Senate joint resolution No. 4; and the same is herewith submitted to the House for its action thereon.

D. D. DALE, Secretary.

WHEREAS, In the execution of the patent laws of the United States, their enforcement tends to flood the country with articles of no great use or importance and involving no real principle, but operating disadvantageously to the judgment of the greater portion of the people, and under which laws vast frauds are imposed on the public; therefore be it

*Resolved by the Senate (the House concurring),* That our Senators in Congress be requested, and our Representatives be instructed, to procure such a wise and judicious modification of the patent laws which in its operation will prohibit the issue of any patent not involving new and original principles, and at the same time prevent fraud and imposition on the people.

Which was read the first time and referred to the committee on rights and privileges.

On motion of Mr. Brown, of Jasper, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## TUESDAY MORNING.

JANUARY 28, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Mr. Mitchell, the member from Washington.

The Journal of yesterday was read in part, when, on motion of Mr. Lehman, the further reading was dispensed with.

Mr. Stevens, from the committee on rights and privileges, made the following report :

MR. SPEAKER :

Your committee on rights and privileges, to whom was referred House bill No. 227, entitled "An act to repeal an act entitled an act providing for the protection of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof, approved March 22, 1871," have had the same under consideration, and have directed me to report the same to the House with the recommendation that it do lie upon the table.

Which was concurred in.

Mr. Taylor, of Lagrange, from the committee on rights and privileges, made the following report :

MR. SPEAKER :

Your committee on rights and privileges, to whom was referred House bill No. 219, entitled "An act to repeal an act providing for the protection of fish, and repealing all laws in conflict with the same, providing penalties for the violation thereof, approved February 22, 1871, and to repeal the act amending said act, approved March 14, 1877," have had the same under consideration, and direct me to report the same back to the House with the recommendation that it do lie upon the table.

Which was concurred in.

Mr. Thompson, from the committee on rights and privileges, made the following report :

MR. SPEAKER :

Your committee on rights and privileges to whom was referred House bill No. 19, entitled "An act to regulate the catching of fish

and to repeal an act entitled an act to provide for the protection of fish, approved February 22, 1871," and all other laws and parts of laws in conflict, have had the same under consideration and have directed me to report the same back to the House with the recommendation that it do lie on the table.

Which was concurred in.

Mr. Van Valzah, from the committee on railroads, made the following report:

MR. SPEAKER:

Your committee on railroads, to which was referred House bill No. 17, have had the same under consideration, and direct me to report it back with the following amendment:

Amend by adding to the bill the following words:

"*Provided*, That nothing in this act shall be construed so as to prevent the collection of taxes already voted in aid of any railroad now under course of construction;" and when so amended it do pass.

Which report was concurred in, and the bill and amendments ordered to lie on the table.

Mr. Van Valzah, from the committee on railroads, made the following report:

MR. SPEAKER:

Your committee on railroads, to which House bill No. 214 was referred, have had the same under consideration, and direct me to report it back with the recommendation that section 3 of the act be stricken out, and that when so amended the same do pass.

Which report, with amendment, was concurred in, and the bill ordered to be engrossed.

The committee on county and township business made the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 62, entitled "An act to amend sections 1 and 2 of an act providing for the organization of county boards and prescribing some of their powers and duties, approved June 17, 1852," and repealing all laws and parts of laws in conflict with said section, as amended, have had the same under consideration and have directed me to report the same back to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in.



Mr. Baker, from the committee on county and township business, made the following report:

**MR. SPEAKER:**

Your committee on county and township business, to whom was referred House bill No. 287, have directed me to report the same back to the House with the recommendation that it be referred to the committee on education.

Which was concurred in.

Mr. Baker, from the committee on county and township business, made the following report:

**MR. SPEAKER:**

Your committee on county and township business, to whom was referred House bill No. 313, have had the same under consideration, and direct me to report the same back with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Baker, from the committee on county and township business, made the following report:

**MR. SPEAKER:**

Your committee on county and township business, to whom was referred House bill No. 41, have had the same under consideration, and direct me to report the bill back to the House, and urge its passage.

Mr. Overmyer moved to lay the report on the table.

Which was agreed to.

Mr. Lehman moved to amend by striking out section one.

Which was agreed to.

Mr. Briggs moved to indefinitely postpone the further consideration of House bill No. 41.

Which was agreed to.

Mr. Osborn, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

Your committee, to whom was referred House bill No. 213, beg leave to report that they have had the same under consideration, and present herewith a bill which they recommend be adopted as a substitute therefor, and that the same do pass.

Which was concurred in.

The substituted bill, reported by the committee, was numbered House bill No. 364, being entitled "An act authorizing county sheriffs to administer oaths in certain cases."

Was read the first time and passed to a second reading.

Mr. Osborn, from the committee on the judiciary, made the following report on the resolution introduced by Mr. Mitchell:

That they have had the same under consideration, and answer—

First. In the absence of any law compelling county officers to furnish the necessary information it is impossible for the committee to determine the expense of judiciary system in the limited time at their disposal.

Second. It would be inexpedient to limit the right of appeal from justices of the peace.

Third. The business of the State does not require the enlargement of the judicial circuits. In many of the counties of the State the circuits are already too large.

Fourth. It would be neither judicious nor in accordance with the voice of economy to expand the jurisdiction of justice of the peace and enlarge judicial circuits.

Which report was laid on the table.

Mr. Caldwell, from the committee on apportionment, made the following report:

MR. SPEAKER:

Your committee on apportionment, to which was referred House bill No. 340, have had the same under consideration and unanimously direct me to report the same back with the following amendments:

Amend section 3 as follows:

Strike out "Crawford," in line ten, and insert "Martin;" strike out "Martin," in line thirteen, and insert "Crawford;" strike out "Bartholomew, Brown and Jackson," in line twenty-two, and insert "Dearborn and Franklin;" insert in line twenty-five, after "Monroe" the words "and Brown;" strike out "Hendricks," in line sixty-six, and insert "Clay;" in line ninety, after the word "Wells," insert the words "Blackford and Adams, two Representatives;" in line ninety-three, strike out all after the word "Blackford," and when so amended the bill do pass.

Mr. Kirkpatrick offered the following minority report of the committee on apportionment:

MR. SPEAKER:

The minority of your committee on apportionment, to which committee was referred House bill No. 340, on the subject of legislative apportionment, beg leave to report that they are unable to join the majority of said committee in recommending the passage of said bill, for the reason that said bill is not a fair apportionment of Senators and Representatives among the several counties in this State. The minority of said committee, therefore, recommend that said bill lie on the table.

Mr. Gordon moved that the majority and minority report of the committee on apportionment be laid on the table and made the special order for Tuesday, February 4, 1879, at 2 o'clock P. M., of said day, and consider the same in the committee of the whole House.

Mr. Humphreys moved to amend by striking out Tuesday and inserting Friday, at 10 A. M.

Which was agreed to.

The motion, as amended, was then adopted, and the majority and minority reports, and the bill to which they refer, were laid on the table and made the special order for Friday next, at 10 o'clock, in committee of the whole.

Mr. Compton moved that House bill No. 7 be engrossed.

Which was agreed to.

Mr. Allen moved that House bill No. 15 be ordered engrossed.

Which was agreed to.

Mr. Drake moved that House bill No. 14 be ordered engrossed.

Which was agreed to.

On motion of Mr. Wimmer the House adjourned until 2 o'clock P. M.



## AFTERNOON SESSION.

JANUARY 28, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Speaker announced that Mr. Fletcher would lecture on Monday next, at the hall of the Board of Trade, on "Brazil and its Commercial Importance to the United States," and extended an invitation to the House of Representatives to be present.

Mr. Wimmer moved that the House accept the invitation of J. C. Fletcher, and named the hour of 3 o'clock P. M. as the hour most acceptable.

Which was agreed to, and the Senate was ordered to be advised of this action by the Clerk.

Mr. Caldwell offered the following concurrent resolution:

*Resolved by the House, (the Senate concurring therein),* That the Senate and House of Representatives will, on Wednesday, the 5th day of February, 1879, meet in joint convention of the two houses in the hall of the House of Representatives, at 10 o'clock A. M., and elect the following officers, to-wit: One State Librarian; three Directors for the Prison, North; two Directors for the Prison, South; and the same is respectfully submitted to the Senate for its concurrence therein.

Which was adopted.

House Bill No. 365. Introduced by Mr. Campbell, entitled "A bill to protect public highways and ditches from damages by hogs running at large."

Read the first time.

House Bill No. 366. Introduced by Mr. Hart, entitled "An act to reduce the salaries of Senators and Representatives of the General Assembly of the State of Indiana, and repealing all laws inconsistent therewith."

Read the first time.

House Bill No. 367. Introduced by Mr. Donnell, entitled "An act to limit the number and increasing the jurisdiction of justices of the peace."

Read the first time.

Mr. March offered the following resolution :

*Resolved*, That the Superintendent of Public Instruction be requested to report to the House to what extent, if any, the rate of taxation for school purposes, and in the local levies, can be reduced without injury to the efficiency and usefulness of the public schools.

Which was adopted.

House Bill No. 368. Introduced by Mr. Carey, entitled "An act for the relief of George N. Winchel, Hamilton L. Marsh, David Laufman, Byron H. Jones and Charles F. Mather, and declaring an emergency."

Read the first time.

Mr. Carey presented a petition from citizens of Grant county.

Which was referred to the committee on temperance.

House Bill No. 369. Introduced by Mr. Humphreys, entitled "An act to amend section 5 of an act entitled an act supplementary and amendatory of an act entitled an act to provide for a uniform assessment of property and collection and return of taxes therein, approved December 21, 1872, approved March 8, 1873."

Read the first time.

House Bill No. 370. Introduced by Mr. Humphreys, entitled "An act to change the law in reference to bringing suit during court."

Read the first time.

House Bill No. 371. Introduced by Mr. Handy, entitled "An act creating the forty-third judicial circuit, prescribing the time for holding courts therein and providing for appointing and electing a judge and prosecuting attorney thereof."

Read the first time.

House Bill No. 372. Introduced by Mr. Cunningham, entitled "An act to repeal section 1 of an act entitled an act to amend section 3 of an act entitled an act to render taxation for common school purposes uniform, and to provide for the education of the colored children of the State, and declaring an emergency."

Read the first time.

Mr. Snoddy presented a petition from the citizens of Hendricks county.

Which was referred to the committee on agriculture.

Mr. Hess presented a petition from the citizens of Wabash county.

Which was referred to the committee on temperance.

House Bill No. 373. Introduced by Mr. Wimmer, entitled "An act to amend section 2 and to repeal section 14 of an act concerning inclosures, trespassing animals and partition fences, approved June 4, 1852."

Read the first time.

House Bill No. 374. Introduced by Mr. Overmyer, entitled "An act to amend section 2 of an act entitled an act in relation to county auditors, approved May 31, 1852."

Read the first time.

House Bill No. 375. Introduced by Mr. Overmyer, entitled "An act concerning parties to actions."

Read the first time.

House Bill No. 376. Introduced by Mr. Taylor, of Lagrange, entitled "An act defining certain misdemeanors and providing a penalty therefor."

Read the first time.

Mr. Fancher moved that House bill No. 290 be recalled from the committee on agriculture and be referred to the committee on county and township business.

Which was agreed to.

House Bill No. 377. Introduced by Mr. Edwins, entitled "A bill for an act to regulate the practice of medicine, midwifery and surgery, and to provide penalties for violating the same.

Read the first time.

House Bill No. 378. Introduced by Mr. Gordon, entitled "A bill for an act supplemental to an act entitled an act defining misdemeanor and prescribing punishment therefor, approved June 14, 1852, and to repeal all laws now in force inconsistent with the provision of this act."

Read the first time.

Mr. Gordon offered the following resolution:

*Resolved*, That the committee on ways and means be instructed to report a bill so amending the laws now in force touching the assessment of property, real and personal, in this State, as to exempt the property of all unmarried women who are of the age of twenty-one years, or upwards thereof, from taxation for all purposes.



Mr. Overmyer offered the following amendment by adding :

In the event said committee shall refuse to provide for the exemption from taxation of said women, then said committee shall inquire into the expediency of conferring upon said women the right of suffrage.

Mr. Handy moved to lay the resolution and amendment on the table.

Messrs. Gordon and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, English, Faulkner, Flodder, Garrouette, Ginz, Handy, Hart, Hess, Hosmer, Humphreys, Kelly, Kirkpatrick, Lindley, Major, March, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Schweitzer, Shauck, Shields, Shutt, Sleeth, Snoddy, Taylor of Warrick, Vanpelt, Watson, Works and Mr. Speaker—44.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold, of Wabash, Bearss, Brown of Steuben, Carey, Carter, Compton, Connaway, Connor, Davis, Donnell, Fancher, Galbraith, Golden, Gordon, Harland, Herod, Hopkins, Huthsteiner, Kelly, Kirkpatrick, Lindley, Major, March, Miers, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Saint, Shanks, Skinner, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Vawter, Willard and Wimmer—42.

The motion was agreed to.

Mr. Saint offered the following resolution :

*Resolved*, That the committee on elections be, and the same is hereby instructed to inquire into the expediency of reporting a bill conferring the right of suffrage upon all unmarried females over the age of twenty-one years, who are the owners of real estate or personal property liable to taxation under the laws of this State.

Mr. Shanks moved to strike out the word unmarried.

Which was not agreed to.

Mr. Allen moved to lay the resolution on the table.

Messrs. Gordon and Saint demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Cunningham, Dailey, Dalton, Davidson, Donnell, Drake, Drover, English, Flodder, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Hester, Miers, Mitchell, Nave, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Schweitzer, Shauck, Shields, Shutt, Sleeth, Stucker, Taylor of Warrick, Vanpelt, Works and Mr. Speaker—42.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Compton, Connaway, Connor, Davis, Fancher, Faulkner, Galbraith, Golden, Gordon, Harland, Herod, Hess, Hopkins, Huthsteiner, Kelly, Kirkpatrick, Lindley, Major, March, Osborn of Elkhart, Overmyer, Owen, Reed, Robeson, Rodman, Robinson, Saint, Shanks, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Vawter, Watson, Willard and Wimmer—46.

The motion to lay on the table was not agreed to.

Mr. Lehman was granted leave of absence for the balance of the day.

Mr. Overmyer offered the following amendment to Mr. Saint's resolution:

That the committee on elections be instructed to inquire into the expediency of conferring the right of suffrage upon all females over the age of twenty-one years.

Which was accepted.

Mr. Allen moved to lay the resolution, as amended, on the table. Which was agreed to.

On the adoption of Mr. Saint's resolution, as amended, Messrs. Gordon and Sleeth demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Davis, Drake, Fancher, Faulkner, Galbraith, Garrouette, Golden, Gordon, Herod, Hess, Hopkins, Hosmer, Huthsteiner, Kelly, Kirkpatrick, Lindley, Major, March, Osborne of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Shanks, Skinner,

Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—58.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Bryant, Cunningham, Dailey, Dalton, Davidson, Donnell, Drover, English, Flodder, Ginz, Handy, Harland, Hart, Humphreys, Kester, Miers, Mitchell, Nave, Schweitzer, Shauck, Shields, Shutt, Shucker, Taylor of Warrick and Van Pelt—28.

The resolution was adopted.

Mr. Miers presented the claim of W. J. Alexander, which was referred to the committee on claims.

House Bill No. 379. Introduced by Mr. Miers, entitled "An act to prevent accidents on railroads, prescribing penalties for the same and declaring an emergency."

Read the first time.

Mr. Herod presented the claim of Murphy, Johnson & Co. Which was referred to the committee on claims.

Mr. Reed presented a petition from the citizens of Miami county. Which was referred to the committee on the judiciary.

On motion the House proceeded to take up the business on the Speaker's table.

The following communication was received from the Governor:

*Gentlemen of the House of Representatives:*

I respectfully transmit a copy of a further communication received by me from the Secretary of War relative to the transfer to the United States of the right and title of this State to the Antietam National Cemetery, and request for it your early consideration and action.

JAMES D. WILLIAMS.

Governor's office, January 28, 1879.

WAR DEPARTMENT,  
WASHINGTON CITY, JANUARY 21, 1879.

SIR: I invite your attention to a letter of this department to the Governor of the State of Indiana dated December 11, 1877, enclosing draft of a bill for presentation to the Legislature of the State for the transfer to the United States of the right and title and interest of the State to the Antietam National Cemetery. I have the honor to request that you will again present this matter to the



Legislature, and recommend the bill for favorable consideration at an early day, as it is very desirable that a perfect title be vested in the United States.

All of the States interested have passed such bills except Indiana, Michigan, West Virginia and Minnesota.

Very respectfully,

Your obedient servant,

G. W. McCrary,

Secretary of War.

The Governor of the State of Indiana, Indianapolis.

Which communication and letter were referred to the committee on federal relations.

The following communication was presented from the Warden and Directors of the State Prison, South:

OFFICE OF INDIANA STATE PRISON SOUTH,  
JEFFERSONVILLE, IND., JAN. 29, 1879.

*To the Hon. Speaker and Members of the House of Representatives:*

In pursuance of a resolution adopted by your honorable body, January 15, 1879, a copy of which was received January 22d, we beg leave to report the accompanying itemized statements of the expenditures of the Indiana State Prison South, for the years 1877 and 1878. Our annual report for said years will be distributed to the honorable members as soon as those for 1878 may be received from the printer by the proper officer. In those reports may be found the other information asked for by said resolution. We have made no contracts for future supplies.

Respectfully submitted,

A. J. HOWARD, Warden.

WM. P. HAMMOND,

JAMES KEIGWIN,

J. W. LINCK,

Directors.

Which, with accompanying documents, were referred to the prison committee.

The Superintendent and President of the Deaf and Dumb Asylum presented the following report:

INSTITUTION FOR THE DEAF AND DUMB,  
INDIANAPOLIS, IND., JAN. 24, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

In obedience to a resolution of your honorable body, passed January 13th, and addressed to me and received January 21st, requesting me to communicate to the house a statement of the number of officers and employes connected with this institution, and under pay thereof, and whether any of said officers and employes are members of the families of said officers or superintendents in charge of said institutions, or related thereto, and if so, in what degree, the said statement to include employments since January 1, 1877, I have the honor, in reply, respectfully to submit the following report:

A full statement of the number of persons employed by the board of trustees the past two years, with occupation, time of service and pay of each, I have caused the steward to make out and herewith present as a part of this report.

The board of trustees, recognizing the fact of the decrease in the cost of living, took action soon after the adjournment of the last Legislature to reduce the salaries and wages of all the officers and employes of the institution on an average of fifteen per cent. This reduction took effect at the end of the then existing engagements, some in May and the rest the first of October following. Therefore we have in the accompanying statement set forth in detail the monthly payments for the whole period of two years.

In respect to the second part of your inquiry we have to say that no person at any time during our term of office who is related by blood or marriage to any manager or trustee of this institution, has been appointed, or is now holding any office or position in any department of this institution.

At the time of the passage of the act to limit such appointments we had in our employ Miss Julia A. Taylor as matron, a cousin of the Superintendent, and Miss Francis MacIntire, his daughter, as teacher, both of whom having a thorough knowledge of the language of signs, and having, by long service, proved their efficiency in the positions which they then occupied, we were desirous of retaining them, providing their retention was in accordance with the law. As a guide to our duty in the premises a member of the board, Dr. M. James, submitted the question to the Attorney General of the State, the Hon. C. A. Buskirk, for his opinion of the scope and meaning of the law. His opinion was written out in full and communicated

to the board, and was, that these appointments were in no sense in conflict with the law. Acting on this opinion, we continued these parties in the service of the Institute.

A copy of the opinion of the Attorney General we herewith submit as a part of this report.

The law fixing the annual compensation to be paid out of the several appropriations to the President, Trustees, Commissioners and Superintendents of the different Institutions, will be found on page 7 of the acts of the special session of the last Legislature.

Respectfully,

P. H. JAMESON, President.

THOMAS MACINTIRE, Supt.

Which communication and accompanying documents were referred to the committee on benevolent institutions.

Engrossed Senate Bill No. 4, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Hester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborne of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Robeson, Rodman, Robinson, Rooker, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Vanpelt, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—79.

Those who voted in the negative were: Messrs. Gordon and Saint—2.

So the bill passed.

The title of the bill was read and ordered to stand as the title of the act.



Engrossed Senate Bill No. 51 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Miers, Mitchell, Nave, Osborne of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Riechelderfer, Robeson, Rodman, Rooker, Saint, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Vanpelt, Van Valzah, Vawter, Watson, Works and Mr. Speaker—77.

Mr. Brown, of Steuben, voting in the negative.

The bill passed.

The bill was read by its title, and the title as read was ordered to stand as the title of the act.

On motion of Mr. Barker the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

---

## WEDNESDAY MORNING.

JANUARY 29, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by the Hon. Mr. Davis, the member from Boone county.

The Journal of yesterday was read in part, when, on motion of Mr. Lindley, the further reading was dispensed with.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts of justice, to whom was referred House bill No. 198, and introduced by Mr. Stucker, have had the said bill under consideration, and have directed me to report the same back to the House, with the recommendation that the said bill do lie upon the table.

Mr. Gordon moved that the report and bill do lie on the table for the present.

Which was agreed to.

Mr. Briggs, from the committee on the organization of courts of justice, made the following report:

MR. SPEAKER:

Your committee on the organization of courts of justice, to whom was referred House bill No. 76, by Mr. Lehman, have had the same under consideration and have directed me to report the same back to the House with the recommendation that it be amended as follows, to-wit:

By striking out all that part of the bill beginning at the word "which," in the fourth line of section 1, on page 1, and ending with the word "plaintiff," in line 10 of section 1, and on page 1, the words that are stricken out being as follows: "Which reads as follows, viz: Section 29. No change of venue shall be granted except on payment or confession of judgment therefor, and replevy thereof, of all costs occasioned by the change if taken by the defendant, and of all accrued costs and the costs of such change if taken by the plaintiff;" and that the same be further amended by striking out the words "two changes," in line 18, page 1, and inserting in lieu thereof the words "one change." When so amended your committee direct me to recommend the passage of the bill.

Which amendments were concurred in, and the bill, with amendments, was ordered engrossed.

Mr. Briggs, chairman of the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts of justice, to whom was referred House bill No. 169, introduced by Mr. Lindley, have had the same under consideration, and have directed me to report

the same back to the House, with the recommendation that it do lie upon the table.

Which was concurred in.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts of justice, to whom was referred House bill No. 80, by Mr. Shields, have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it do lie upon the table.

Mr. Humphreys moved to lay the report of the committee on the organization of courts on the table.

Messrs. Humphreys and Wimmer demanded the ayes and noes on the motion to lay on the table.

The roll was called.

Those who voted in the affirmative were: Messrs. Barker, Brown of Jasper, Bryant, Campbell, Carter, Drake, Faulkner, Galbraith, Garrouette, Handy, Hopkins, Humphreys, Kester, Kirkpatrick, Mitchell, Osborn of Vermillion, Perry, Rooker, Saint, Schweitzer, Shanks, Shields, Snoddy, Vanpelt, Watson and Willard,—25.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Steuben, Caldwell, Carey, Compton, Confer, Conaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drover, English, Fancher, Flodder, Ginz, Golden, Gordon, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Kelly, Lindley, Major, March, Miers, Nave, Osborne of Elkhart, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Shauck, Shutt, Skinner, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Van Valzah, Vawter, Works and Mr. Speaker—64.

The House refused to lay the report on the table.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate concurrent resolution No. 8, authorizing the Auditor of State to issue his warrants upon the Treasurer for the payment of the statutes for the General Assembly.



And the same is herewith submitted to the House for its action thereon.

D. D. DALE, Secretary.

The following message was received from the Senate :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has adopted House concurrent resolution No. 24, to-wit :

*Resolved by the House, (the Senate concurring therein), That the Senate and House of Representatives will, on the 5th day of February next, meet in joint convention of the two houses in the hall of the House of Representatives at 10 o'clock A. M. and proceed to the election of the following officers, to-wit : One State Librarian, three Directors of the Prison, North ; two Directors of the Prison, South ; and the same is herewith returned to the House.*

D. D. DALE, Secretary.

Mr. Herod moved that the report of the committee on House bill No 80 be concurred in.

Which was agreed to.

Mr. Briggs submitted the following report :

MR. SPEAKER :

Your committee on the organization of the courts of justice have had House bill No. 23 under consideration, and they direct me to report the same back to the House with the recommendation that the bill be indefinitely postponed.

Which report was concurred in.

On motion of Mr. Gordon the House adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

JANUARY 29, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Briggs, from the committee on the organization of courts, submitted the following report :

MR. SPEAKER:

Your committee on the organization of courts of justice, to whom was referred House bill No. 77, by Mr. Lehman, "A bill to amend section 17 of chapter 6, prescribing the powers and duties of justice of the peace," have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it do lie upon the table.

Which report was concurred in.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of the courts of justice, to whom was referred resolution No. 33, direct me to report the same back to the House with the recommendation that it be referred to the judiciary committee.

Mr. Osborn, of Elkhart, moved to indefinitely postpone the consideration of the report of the committee and the resolution.

Which was agreed to.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts of justice to whom was referred House bill No. 289, by Mr. Dalton, entitled "An act to amend section 9 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, and extending their jurisdiction in civil cases to all townships in the county and repealing all laws in conflict therewith," have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it do lie upon the table.

Which report was concurred in.

Mr. Briggs, from the committee on the organization of courts, made the following report:

MR. SPEAKER:

Your committee on the organization of courts of justice to whom was referred House bill No. 13, by Mr. Overmyer, entitled a bill to amend sections 1 and 2 of an act entitled "An act prescribing the manner of empaneling petit jurors, the number and compensation thereof, approved March 20, 1852," and adding supplemental sec-

tions thereto, have had the same under consideration, and have directed me to report the bill back to the House with the recommendation that it be amended as follows, to-wit:

By inserting after the word "circuit," on page 3, in section 2, and line 1, the words "superior or criminal," and further, that section 4 of said bill be stricken out, and when so amended, your committee direct me to recommend that said bill do pass.

Mr. March moved to commit the report of the committee on the organization of courts on House bill No. 13, together with the bill, to the committee on the judiciary.

Which was agreed to.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 122, have had the same under consideration, and direct me to report it back with the recommendation that it do pass.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 44, have had the same under consideration, and direct me to report it back with the recommendation that it be indefinitely postponed.

By consent the report and bill were laid on the table for the present.

Mr. Miers, from the committee on education, presented the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 250, have had the same under consideration, and direct me to report it back with the recommendation that it be indefinitely postponed.

Which report was concurred in.



Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 277, have had the same under consideration, and direct me to report it back with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Hubbard, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 136, "An act providing for the protection of fish," introduced by Mr. Perry, have had the same under consideration, and directed me to report the same back to the House with the recommendation that it do lie on the table.

Which report was concurred in.

Mr. Van Valzah, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee on railroads, to whom was referred House bill No. 271, entitled "An act to amend sections 1, 2, 4 and 5, of an act entitled an act authorizing street or horse-car railway companies to use State, county or township roads, or other public highways, under certain conditions and regulations, and declaring an emergency therefor," have had the same under consideration, and direct me to report it back with the recommendation that the "proviso clause," in section 2 of the same, be stricken out; that it be amended by striking out from and including the word "these," in line three, on page four of the bill, down to and including the word "thereof," in line six, on said page, and insert the following:

"Their track on such part of such highway as may be agreed upon between the parties making such application for the use of such highway and the board of county commissioners of the county," and that when so amended the bill do pass.

Which report was concurred in, with amendments, and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report.

MR. SPEAKER:

Your committee on counties and towns to whom was referred House bill No. 46, "An act to amend section 1 of an act to provide for township elections," have had the same under consideration, and have directed me to report the bill back to the House with the recommendation that it be amended by striking out the third section. After such amendment is made we would recommend that the bill do pass.

Which was concurred in and the bill ordered to be engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on counties and towns, to whom was referred House bill No. 138, authorizing and requiring township trustees to apply the funds now on hand for road purposes, have had the same under consideration, and direct me to report the same back to the House with the recommendation that it do pass.

Mr. Overmyer moved to recommit to the committee on county and township business.

Mr. Lindley moved to amend the bill by adding the following:

With instructions to strike out so much of the bill as relates to the legalizing of the acts of township trustees in divesting one fund for the use of another.

Which amendment, together with report and bill, was recommended to the committee on county and township business.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 96, entitled "An act to amend sections 3 and 8 of an act to provide for the inspection of petroleum oils for illuminating purposes, making and branding the same, prescribing penalties for selling without inspection, or for falsely branding the cask, package or barrel containing the same, or for violating any of the provisions of this act; for the appointment of an inspector and deputies, prescribing duties and terms of office, and imposing penalties for inspectors or deputies trading in any article they are

appointed to inspect" have had the same under consideration and directed me to report the same back to the House, with the recommendation that it do pass.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Allen, from the committee on cities and towns, made the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 140, have had the same under consideration, and have directed me to report the same back to the House with the recommendation that the same be amended by striking out all after the enacting clause, and inserting in lieu thereof the following amendment:

"An act to legalize the proceedings of the city council of Terre Haute and board of county commissioners of Vigo county in annexing lands to the city of Terre Haute, under sections eighty-five (85) and eighty-six (86) of the general laws for the incorporation of cities, approved March 14, 1867."

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where the city of Terre Haute has annexed lands to its limits under sections eighty-five (85) and eighty-six (86) of the general laws for the incorporation of cities, approved March 14, 1867, which said general laws are entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, and wherever there has been any irregularity in the proceedings of the common council of the city of Terre Haute, or of the boards of county commissioners of Vigo county, in annexing such lands and lots, the same is hereby legalized."

Sec. 2. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

And your committee further recommend that when said bill is so amended it do pass.

Which was concurred in and ordered to be engrossed as amended.



Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 135, "An act to legalize the acts of the board of trustees of the incorporated town of Shelburn, Sullivan county," have had the same under consideration and directed me to report the same back to the House, with the recommendation that it do pass.

Which was concurred in and the bill ordered to be engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 141, to legalize the official acts of the board of trustees of the town of Booneville, Warrick county, Indiana, have had the same under consideration and have directed me to report the bill back to the House, with the recommendation that it do pass.

Which was concurred in.

Mr. Allen moved that the bill be considered engrossed, and the bill be read the third time and put upon its passage.

Which motion prevailed.

The bill was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Fancher, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Mitchell, Nave, Osborne of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Roberson, Rodman, Robinson, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Vawter, Watson, Wimmer, Works and Mr. Speaker—77.

Those who voted in the negative were: Messrs. Bryant, English, Faulkner, Galbraith, Lindley and Perry—6.

The bill passed.

The question being, "Shall the title of the bill as read stand for the title of the act?"

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Briggs moved to reconsider the order of the House ordering House bill No. 135 engrossed.

Which was agreed to.

Mr. Briggs moved that House bill No. 135 be considered engrossed and read the third time and put upon its passage.

Which was agreed to.

The bill was read the third time and put upon its passage.

The question being, "Shall the bill pass?"

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Fancher, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Mitchell, Osborn of Vermillion, Nave, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—74.

Those who voted in the negative were: Messrs. English, Faulkner, Galbraith and Lindley—4.

The bill passed.

The question being, shall the title of the bill, as read, stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Humphreys moved to reconsider the action of the House in adopting the title of House bill No. 141.

Which was agreed to. •

Mr. Sleeth moved to amend the title of House bill No. 141, by adding the words "declaring an emergency."

Which was agreed to.

House Bill No. 380. Introduced by Mr. Gordon, entitled "A bill for an act regulating foreign insurance companies."

Read the first time.

On motion of Mr. Dalton, House bill No. 17 was taken from the table.

Mr. Shanks offered the following amendment:

*Provided*, That not anything in this act shall be construed so as to prevent the assessment and collection of taxes that have been voted prior to January the twenty-eighth, 1879, in aid of any railroad, but that no such tax shall be levied or collected until said railroad is under contract and in process of construction within the township when said tax has been voted prior to said vote.

Which was adopted.

And the bill, as amended, was ordered to be engrossed.

House Bill No. 381. Introduced by Mr. Nave, entitled "An act to amend section fifty-eight (58) of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall receive the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867, and declaring an emergency."

Read the first time.

House Bill No. 382. Introduced by Mr. Reed, entitled "An act to amend section 9 of an act entitled an act to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and the repeal of all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and adding supplemental sections thereto."

Read the first time.



House Bill No. 383. Introduced by Mr. Kirkpatrick, entitled "An act to legalize the incorporation of the Kokomo Gas Light and Coke Company, Howard county, Indiana; and the official acts of the several boards of directors thereof, under the act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, approved May 20, 1852."

Read the first time.

House Bill No. 384. Introduced by Mr. Major, entitled "An act for the protection of fish and defining the manner of taking certain kinds of fish, and when the same may be done, and matters properly connected therewith, and repealing conflicting laws."

Read the first time.

House Bill No. 385. Introduced by Mr. Miers, entitled "An act to amend sections 3 and 4 of an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs, approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act for the protection of sheep, approved June 15, 1852."

Read the first time.

House Bill No. 386. Introduced by Mr. Miers, entitled "An act to exempt growing crops from sale on execution until the same shall have fully matured."

Read the first time.

House Bill No. 387. Introduced by Mr. Rodman, entitled "An act to amend section 635 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852, and providing for an emergency."

Read the first time.

House Bill No. 388. Introduced by Mr. Rodman, entitled "An act to divide the public highways among the owners of land, to prescribe the manner in which the same shall be worked and be kept in repair, and to create the office of road commissioner, and

prescribe the duties of the same, and for levying a road tax upon personal property and certain real estate only, and abolishing the office of supervisor.

Read the first time.

Mr. Osborne, of Elkhart, moved that House bill No. 152 be ordered engrossed.

Which was agreed to.

On motion of Mr. Faulkner the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## THURSDAY MORNING.

JANUARY 30, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Allen, the further reading was dispensed with.

Mr. Osborne, of Elkhart, offered the following resolution:

*Resolved by the House of Representatives (the Senate concurring),* That on the — day of ———, 1879, the two houses will proceed by concurrent vote to elect the following officers, to-wit: One President of the several Boards of Trustees and Commissioners of the Benevolent Institutions of the State; two Commissioners for the Hospital for the Insane; two Trustees for the Asylum for the Blind, and two Trustees for the Institution for the Education of the Deaf and Dumb; that at eleven o'clock A. M. of said day the two houses will take the first ballot for the first of the said officers in the order above named, and the result of such ballot shall be immediately communicated by each house to the other; and in case the two houses fail to concur or agree in giving to the same person a majority of the votes cast in each house, then succeeding ballots shall, in like manner, be taken, and the result be communicated by each house to the other until ten ballots shall have been taken, unless the two houses shall have sooner concurred or agreed in giv-

ing to the same person a majority of the votes cast in each house; but if no person shall have received a majority of the votes cast in each house upon either of said ten ballots, then another ballot, and further ballots, if necessary, shall be concurrently taken by each house, and the person receiving a majority of the votes cast in both houses shall be by such vote elected to said office, and the result of the ballot shall be communicated by each house to the other; and such person shall be declared elected in each house, and such declaration and communication shall be spread upon the Journals of each house; and the two houses shall concurrently proceed in like manner to elect each of the said other officers in the order above named, and shall transact no other business until all of said officers are elected, unless by a concurrent vote of each house the further continuance of the election be postponed.

On motion of Mr. Osborn, of Elkhart, the resolution was laid on the table and made the special order for ten o'clock on Saturday, February 1, 1879.

Mr. Osborn, of Elkhart, moved a call of the House.

Which was agreed to.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Mesick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Sweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—93.

Mr. Humphreys moved the further proceedings under the call be dispensed with.

Which was agreed to.



Mr. Shutt was granted leave of absence on account of sickness.

SPECIAL ORDER.

The hour having arrived for the consideration of the proposed amendments to the constitution, Mr. Gordon moved that the same be taken up.

Which was agreed to.

Enrolled Senate Joint Resolution No. 1, amending section 2 of article 2 of the constitution, and prescribing the qualifications of voters, was read the third time as follows:

Enrolled Senate Joint Resolution No. 1. Resolution amending section 2 of article 2 of the constitution, and prescribing qualifications.

*Resolved by the Senate (the House of Representatives concurring),* That the following amendment be and is hereby proposed to the constitution of the State of Indiana, to-wit, amend section 2 of article 2 so as to read as follows:

Section 2. In all elections not otherwise provided for by this constitution, every male citizen of the United States of the age of twenty-one years and upwards, who shall have resided in the State during the six months, in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, and every male of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one year, and who shall have resided in this State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States in the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside, if he shall have been duly registered according to law.

*Resolved,* That in submitting this proposition to the electors to be voted upon it shall be designated as amendment No. 1.

JOHN OVERMYER,

Speaker of the House of Representatives.

ISAAC P. GRAY,

President of the Senate.

The question being, will the House agree to the amendment?

Pending the action of the amendment, on motion of Mr. Vanpelt, the House adjourned until 2 o'clock, P. M.

## AFTERNOON SESSION.

JANUARY 30, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Lehman moved a call of the House.

Which was agreed to.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborne of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—96.

On motion of Mr. Kirkpatrick, the further proceedings under the call were dispensed with.

The consideration of the constitutional amendment, pending the adjournment, was resumed.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following bills, to-wit:

Engrossed Senate Bill No. 30. "An act to authorize guardians to settle the estates of deceased wards."

Engrossed Senate Bill No. 58. "An act concerning prisoners in jail."

Engrossed Senate Bill No. 71. "An act authorizing justices of the peace to require additional replevin bail in cases where insufficient bail has been taken, and where the replevin bail has become insufficient to secure the payment of the judgment."

Engrossed Senate Bill No. 101. "An act to repeal an act approved March 6, 1865, entitled an act to authorize the formation of companies for the construction of water-works in and for incorporated cities, to enable such cities to subscribe stock in such companies, and to issue and sell bonds in payment thereof, and declaring an emergency."

Engrossed Senate Bill No. 125. "An act providing for the punishment of persons in the possession of stolen property in this State, having stolen the same in another state or territory of the United States, or in any foreign country, and for the punishment of persons who shall buy, receive, conceal or aid in concealment of stolen personal property in this State, knowing it to have been stolen in some other state or territory of the United States or foreign country, and for the punishment of aiders and abettors in certain cases."

Engrossed Senate Bill No. 138. "An act relating to congressional township school fund, the loan of fractional sums thereof by combining into a "miscellaneous fund;" requiring full distribution of all funds required to be on hand by law; providing penalties, declaring an emergency, and other matters connected with the subject matter of this act."

Engrossed Senate Bill No. 192. "An act to amend section 468 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852."

And the same are herewith submitted to the House for its action thereon.

D. D. DALE. Secretary.

Mr. Briggs moved the previous question. The chair being unable to decide the vote a standing vote was taken, and the previous question was not seconded.

Mr. Bryant moved that the House adjourn.



Messrs. Gordon and Owen demanded the ayes and noes on the motion to adjourn.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Bryant, Caldwell, Compton, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hart, Hosmer, Huthsteiner, Kester, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Schweitzer, Shields, Taylor of Daviess, Thompson, Tulley, Willard and Works—41.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Donnell, English, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Saint, Scholl, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Vawter, Watson and Mr. Speaker—54.

The motion was lost.

Mr. Briggs moved the previous question.

Which was seconded.

Mr. Compton moved a call of the House.

Which was ordered.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Conner, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Tay-

lor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—95.

Mr. Compton moved that the further proceedings under the call be dispensed with.

Which was agreed to.

The question again being, will the House agree to the amendment?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Conner, Copeland, Davis, Donnell, Edwins, English, Fancher, Golden, Gordon, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vawter, Watson, Wimmer, Works and Mr. Speaker—60.

Those who voted in the negative were: Messrs. Alden, Baker, Barker, Blockley, Briggs, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Drake, Drover, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hosmer, Kester, Miers, Mitchell, Nave, Perry, Reichelderfer, Saint, Schweitzer, Shields, Stucker, Thompson, Tulley, Vanpelt and Willard—34.

The House agreed to the amendment.

The Principal Clerk was ordered to inform the Senate of the action of the House.

Mr. Davidson was paired with Mr. Van Valzah, stating that he would vote for and Mr. Van Valzah against the amendment.

Mr. Gordon moved that the House adjourn.

Which was agreed to.

((Approved.))

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## FRIDAY MORNING.

JANUARY 31, 1879.

The House met pursuant to adjournment, with the speaker in the chair.

The House was opened with prayer by the Rev. R. S. Blount, of Wabash, Indiana.

The Journal of yesterday was read in part, when, on motion of Mr. Edwins, the further reading thereof was dispensed with.

Mr. Campbell was granted leave of absence.

Mr. Osborn, of Elkhart, moved that the committee of the whole be discharged from further consideration of House bill No. 340.

Which was agreed to.

Mr. Caldwell moved that House bill No. 340 be taken from the table and be recommitted to the committee on apportionment.

Which was agreed to.

The consideration of the constitutional amendments pending on adjournment were resumed.

Enrolled Senate Joint Resolution No. 2 was read as follows, to-wit:

Enrolled Senate Joint Resolution No. 2. A joint resolution proposing amendment to section 5 of article 2 of the constitution:

*Resolved by the Senate (the House of Representatives concurring),* That the constitution of the State of Indiana be amended as follows: By striking out the words "no negro or mulatto shall have the right of suffrage," contained in section 5 of the second article of the constitution.

*Resolved,* That in submitting this amendment to the electors of the State, to be voted on, it shall be designated as amendment No. 2.

JOHN OVERMYER,  
Speaker of the House of Representatives.

ISAAC P. GRAY,  
President of the Senate.

The question being, "Will the House agree to the amendment?"  
The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garoutte, Ginz, Golden, Gordon, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelley, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburgh, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Williard, Wimmer, Works and Mr. Speaker—95.

Mr. Cunningham voted in the negative.

The House of Representatives agreed to said amendment, and the Principal Clerk was directed to inform the Senate thereof.

Enrolled Senate Joint Resolution No. 3 was then read as follows, to-wit:

Enrolled Senate Joint Resolution No. 3. A joint resolution proposing amendment to section 14 of article 2 of the constitution:

*Resolved by the Senate (the House of Representatives concurring),* That the following amendment to the constitution of the State of Indiana be and the same is hereby proposed, to-wit:

Amend section 14 of the second article to read: Section 14. All general elections shall be held on the first Tuesday after the first Monday in November, but township elections may be held at such time as may be provided by law: *Provided*, That the General Assembly may provide by law for the election of all judges of courts of general and appellate jurisdiction, by an election to be held for such officers only, at which time no other officers shall be voted for, and shall also provide for the registration of all persons entitled to vote.

*Resolved*, That in submitting the amendment to the electors of the State to be voted on, it shall be designated as amendment No. 3.

JOHN OVERMYER,  
Speaker of the House of Representatives.

ISAAC P. GRAY,  
President of the Senate.

The question being, will the House agree to the amendment?

Mr. Van Valzah moved the previous question.

Which was not seconded.

After debate, had upon said amendment, Mr. Willard moved the previous question.

Which was seconded.

The question being, will the House of Representatives agree to the amendment?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Jasper, Brown of Steuben, Carey, Carter, Connaway, Connor, Copeland, Davidson, Davis, Donnell, Edwins, English, Fancher, Ginz, Golden, Gordon, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Saint, Scholl, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Vawter, Watson, Wimmer and Mr. Speaker—61.

Those who voted in the negative were: Messrs. Alden, Barker, Briggs, Bryant, Compton, Confer, Cunningham, Dailey, Dalton, Drake, Drover, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hosmer, Kester, Miers, Mitchell, Nave, Perry, Reichelderfer, Rooker, Schweitzer, Shields, Stucker, Taylor of Daviess, Thompson, Tulley, Van Valzah, Willard and Works—34.

3 The amendment was agreed to by the House of Representatives, and the Principal Clerk was directed to inform the Senate thereof.

Mr. Blockley was excused until Tuesday morning.

On motion of Mr. Vanpelt, the House adjourned until 2 o'clock,  
P. M.

## AFTERNOON SESSION.

JANUARY 31, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The consideration of the constitutional amendments, pending at adjournment were resumed.

Enrolled Senate Joint Resolution No. 4, was read as follows, to-wit:

Enrolled Senate Joint Resolution No. 4. A joint resolution proposing amendments to sections 4 and 5 of article 4 of the constitution:

*Resolved by the Senate (the House of Representatives concurring),* That the constitution of the State of Indiana be amended as follows: Strike the word "white" from sections 4 and 5 of article 4.

*Resolved,* That in submitting this amendment to the electors of the State to be voted on, it shall be designated as amendment No. 4.

JOHN OVERMYER,  
Speaker of the House of Representatives.

ISAAC P. GRAY,  
President of the Senate.

On the order of the chair, a call of the House was had.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Bearss, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Confer, Conaway, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garoutte, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Kelley, Kester, Kirkpatrick, Lehman, March, Messick, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robinson, Rooker, Scholl, Schweitzer, Shanks, Shauck, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—72.



On motion of Mr. Compton, the further proceedings under the call was dispensed with.

The question being, will the House of Representatives agree to the said amendment?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Copeland, Carey, Carter, Compton, Confer, Connaway, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—89.

Those who voted in the negative were: Messrs. Barker, Cunningham and Handy—3.

The amendment was agreed to by the House of Representatives, and the Principal Clerk instructed to inform the Senate thereof.

Enrolled Senate Joint Resolution No. 5 was then read, as follows, to-wit:

Enrolled Senate Joint Resolution No. 5. A joint resolution proposing amendment to the fourteenth clause of section 22 of article 4 of the constitution:

*Resolved by the Senate (the House of Representatives concurring),* The following amendment to the constitution of the State of Indiana is proposed, to-wit: Amend the fourteenth clause of section 22 of article 4 to read as follows: In relation to fees or salaries, except that the laws may be so made as to grade the compensation of officers in proportion to the population, and the necessary services required.

*Resolved*, That in the submission of this amendment to the electors to be voted on, it shall be designated as amendment No. 5.

JOHN OVERMYER,  
Speaker of the House of Representatives.

ISAAC P. GRAY,  
President of the Senate.

The question being, will the House of Representatives agree to the said amendment?

Mr. Lehman demanded the previous question.

Which was seconded.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Roberson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Saint, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—93.

Mr. Osborn, of Elkhart, voting in the negative.

[The amendment was agreed to by the House of Representatives, and the Principal Clerk was instructed to inform the Senate thereof.

Enrolled Senate Joint Resolution No. 6 was then read, as follows, to-wit:

Enrolled Joint Senate Resolution No. 6. A joint resolution proposing amendment to section 1 of article 7 of the constitution:

*Resolved by the Senate (the House of Representatives concurring),* That the following amendment is proposed to the constitution of the State of Indiana:

Amend section 1 of the seventh article to read: Section 1. The judicial power of the State shall be vested in a Supreme Court, Cir-

cuit Courts, and such other courts as the General Assembly may establish.

*Resolved*, That in the submission of this amendment to the electors of the State to be voted on, it shall be designated as amendment No. 6.

JOHN OVERMYER,  
Speaker of the House of Representatives.

ISAAC P. GRAY,  
President of the Senate.

The question being, will the House of Representatives agree to the said amendment?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Connaway, Connor, Copeland, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Galbraith, Gordon, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Van Valzah, Vawter and Watson—66.

Those who voted in the negative were: Messrs. Briggs, Confer, Cunningham, Dailey, Dalton, Drake, Faulkner, Flodder, Garrouette, Ginz, Golden, Handy, Hosmer, Humphreys, Huthsteiner, Kester, Major, Mitchell, Perry, Reichelderfer, Schweitzer, Shields, Stucker, Tulley, Vanpelt, Willard, Wimmer, Works and Mr. Speaker—29.

The amendment was agreed to by the House of Representatives, and the Principal Clerk directed to inform the Senate thereof.

Enrolled Senate Joint Resolution No. 7, was then read as follows, to-wit:

Enrolled Senate Joint Resolution No. 7. *Resolved by the Senate (the House of Representatives concurring)*, That the second section of the seventh article of the Constitution of the State of Indiana be amended to read as follows: Section 2. The Supreme Court shall consist of not less than five nor more than seven judges, a majority of whom shall form a quorum. They shall hold their offices for six



years, if they shall so long behave well: *Provided*, That the judges elected at the first election after the taking effect of this amendment shall be divided by lot into three classes, as nearly as may be—the fraction being in the last class; and the seats of the first class shall be vacated at the expiration of two years, those of the second class at the expiration of four years, the third class at the expiration of six years, so that one-third thereof, as nearly as may be, shall be chosen every two years thereafter.

*Resolved*, That in submitting this amendment to the electors of the State to be voted on it shall be designated as Amendment No. 7.

JOHN OVERMYER,  
Speaker of the House of Representatives.

ISAAC P. GRAY,  
President of the Senate.

The question being, will the House of Representatives agree to the proposed amendment?

Mr. Caldwell moved the previous question.

Which was seconded.

The question being, will the House of Representatives agree to the proposed amendment?

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Carey, Connaway, Connor, English, Gordon, Hart, Herod, Hopkins, Kirkpatrick, Osborn of Elkhart, Robinson, Saint, Scholl, Shanks, Shauck, Skinner, Sleeth, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Van Valzah, Watson, Willard and Mr. Speaker—26.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carter, Compton, Confer, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Rodman, Rooker, Schweitzer, Shields, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thornburgh, Tulley, Vanpelt, Vawter, Wimmer and Works—69.

The House of Representatives did not agree to said amendment, and the Clerk was directed to inform the Senate thereof.

Enrolled Senate Joint Resolution No. 9 was then read as follows, to-wit:

Enrolled Senate Joint Resolution No. 9. *Resolved by the Senate (the House of Representatives concurring)*, That the constitution of the State of Indiana be amended as follows:

Strike out all the sections of the thirteenth article, and in lieu thereof insert the following:

Section 1. No political or municipal corporation in this State shall ever become indebted in any manner or for any purpose, to an amount in the aggregate exceeding two per centum on the value of the taxable property within such corporation, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporations shall be void: *Provided*, That in time of war, foreign invasion or other great public calamity, on petition of a majority of the property owners in number and value within the limits of such corporation, the public authorities, within their discretion, may incur obligations necessary for the public protection and defense to such amount as may be requested in such petition.

*Resolved*, In submitting this amendment to the electors of the State, to be voted on, it shall be designated as amendment No. 9.

JOHN OVERMYER,

Speaker of the House of Representatives.

ISAAC P. GRAY,

President of the Senate.

The question being, will the House of Representatives agree to the proposed amendment?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carter, Compton, Confer, Connaway, Connor, Copeland, Dalton, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Flodder, Garrouette, Ginz, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robe-

son, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Watson, Works and Mr. Speaker—81.

Those who voted in the negative were: Messrs. Allen, Arnold of Wabash, Carey, Cunningham, Dailey, Drake, Faulkner, Handy, Skinner, Vawter, and Willard—11.

So the House of Representatives agreed to the amendment, and the Principal Clerk was directed to inform the Senate thereof.

Mr. Hart was granted leave of absence until Monday.

Mr. Dalton was granted leave of absence until Tuesday morning.

Enrolled Senate Joint Resolution No. 10 was then read, as follows, to-wit:

*Enrolled Senate Joint Resolution No. 10. Resolved by the Senate (the House of Representatives concurring), That the following amendment be and is hereby proposed to the constitution of the State of Indiana, to-wit:*

Amend section 29 of the fourth article to read as follows: The members of the General Assembly shall receive for their services a compensation to be fixed by law, but no increase of compensation shall take effect during the session at which such increase may be made. No session of the General Assembly shall extend beyond the term of one hundred and twenty-one days, nor any special session beyond the term of sixty days.

*Resolved, That in the submitting this amendment to the electors of the State to be voted on, it shall be designated as amendment No. 10.*

JOHN OVERMYER,  
Speaker of the House of Representatives.

ISAAC P. GRAY,  
President of the Senate.

The question being, will the House of Representatives agree to the proposed amendment?

The roll was called.

Those who voted in the affirmative were: Messrs. Connaway, Connor, Copeland, Cunningham, Dalton, Donnell, English, Golden, Gordon, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick,



March, Perry, Robinson, Shanks, Skinner, Sleeth, Thayer, Thompson and Van Valzah—23.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Confer, Dailey, Davidson, Davis, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hess, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Lindley, Major, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—70.

The House of Representatives refused to agree to the said proposed amendment, and the Principal Clerk was directed to inform the Senate thereof.

Leave of absence was granted Messrs. Shauck and Rodman until Monday.

Engrossed Senate Bill No. 138, entitled "An act relating to congressional township school funds, the loan of fractional sums thereof by combining into a miscellaneous fund; requiring a full distribution of all funds required to be on hand by law; providing penalties and declaring an emergency, and other matters connected with the subject matter of the act."

Read the first time.

Engrossed Senate Bill No. 58, entitled "An act concerning prisoners in jail."

Read the first time.

Engrossed Senate Bill No. 71, entitled "An act authorizing justices of the peace to require additional replevin bail in cases where insufficient bail has been taken, and where the replevin bail has become insufficient to secure the payment of the judgment.

Read the first time.

Engrossed Senate Bill No. 101, entitled "An act to repeal the act approved March 6, 1865, entitled an act to authorize the formation of companies for the construction of water-works in and for incorporated cities, to enable such cities to subscribe stock in such com-

panies, and to issue and sell bonds in payment thereof, and declaring an emergency.”

Read the first time.

Engrossed Senate Bill No. 135, entitled “An act providing for the punishment of persons in the possession of stolen personal property in this State, the same having been stolen in some other state or territory of the United States or foreign country.”

Read the first time.

Engrossed Senate Bill No. 192, entitled “An act to amend section 468 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.”

Read the first time.

The following communication was received from the Secretary of the State University:

INDIANA STATE UNIVERSITY,  
JANUARY 29, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

DEAR SIR: In obedience to a resolution of the House of Representatives, passed January 13, 1879, I herewith transmit the receipts and expenditures of the State University for the time designated by said resolution. Also, report as to any contracts made for supplies, as required by said resolution.

Please present to the House at your earliest convenience.

Very respectfully,

Your obedient servant,

ROBERT C. FOSTER,

Secretary Indiana State University.

Which was read and referred to the committee on ways and means, with accompanying documents.

The following report and accompanying documents were received from the Indiana House of Refuge:

INDIANA HOUSE OF REFUGE,  
PLAINFIELD, JANUARY 31, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

In compliance with a resolution offered in your body on the 13th inst. by the Hon. James F. Stucker, calling for:

First. Detailed reports of purchases of supplies, materials or other articles for the use of the institution. We beg leave to say we have forwarded a full report, by copies, of all bills of purchases to be made, and a full statement of receipts and disbursements, which will be furnished as soon as it can be made.

Second. Copies of all contracts with any parties; our instructions to the superintendent being that in all cases he shall purchase with cash, at the lowest price, the needed supplies.

Third. The cost per capita of keeping the inmates.

We herewith give you the cost for the years 1870, 1874 and 1878, as follows:

For support of inmates and employes, each, in 1870,  $25\frac{3}{4}$  cents per day; 1874,  $21\frac{1}{3}$  cents per day; 1878, 9 6-10 cents per day.

Furnishing goods for inmates, 1870, \$1.46 per month; 1874, \$1.40 per month; 1878, 36 cents per month.

For clothing, 1870, \$3.13 per month; 1874, \$1.30 per month; 1878, 91 cents per month.

For fuel and lights, 1870, 54 cents per month; 1874, 43 cents per month; 1878, 24 cents per month.

Officers' salaries, 1870, \$7.53 per month; 1874, \$4 per month; 1878, \$2.60 per month.

Contingent expenses, 1870, \$3.86 per month; 1874, \$1.75 per month; 1878, \$1.28 per month.

Office expenses, 1870, 24 cents per month; 1874, 10 cents per month; 1878, 5 cents per month.

Total for each inmate, 1870, \$3.83 per annum; 1874, \$2.02 per annum; 1878, \$1.02 per annum.

We beg leave to refer your honorable body to our printed annual report, on page 10, giving the net expense to the State of \$30,497.18, from which is deducted the amount collected by the State Treasurer from the counties on account of the boys sent by



them, page 8, Treasurer's report, \$23,192.23; leaving only \$7,304.95 chargeable to the general treasury of the State.

Respectfully submitted,

JOHN P. EARLY,  
FINLEY BIGGER,  
LEWIS JORDAN,  
Board of Commissioners.

Which was referred to the committee on ways and means.

Engrossed Senate Bill No. 30, entitled "An act to authorize guardians to settle the estates of deceased wards."

Read the first time.

The following report was received from the Superintendent of the Indiana Reformatory Institution:

OFFICE OF INDIANA REFORMATORY INSTITUTION  
FOR WOMEN AND GIRLS,  
INDIANAPOLIS, JANUARY 29, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

In compliance with a resolution of the House of Representatives we send you the number, names, employment, salaries of and amounts paid to the officers and employes of this Institution since January 1, 1871, statement including all employments. None of the persons employed in the Institution are relatives of the officers or Superintendent, as provided by law, (where the Superintendent is a married woman). The husband of the Superintendent is employed as Steward.

SARAH S. SMITH, Superintendent.

By ANNA DUNLAP, Secretary.

Which report, with accompanying documents, was referred to the committee on ways and means.

The following report, with accompanying documents, was received from the Board of State House Commissioners:

OFFICE OF THE BOARD OF STATE HOUSE COMMISSIONERS,  
INDIANAPOLIS, JANUARY 29, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

SIR: The Board of State House Commissioners, in compliance with a resolution of the House of Representatives, adopted on the 13th inst., and received on the 22d inst., calling for a report setting

forth an itemized statement of all purchases of supplies, material or other articles for the use of the State, under their official order, with the cost and date of purchase, and from whom bought, and the receipts and disbursements, and a copy of all contracts on file in their office for supplies and materials or other articles for future delivery, beg leave to respectfully submit the following report.

Which was referred to the committee on ways and means.

#### Senate Concurrent Resolution No. 8:

WHEREAS, House Bill No. 1, known as the Legislative Appropriation bill, requires all resolutions appropriating money under its provisions to be concurrent resolutions; and

WHEREAS, The Senate resolutions, authorizing the purchase by the State Librarian of the statutes for the use of members of the Senate was passed prior to the passage of House bill No. 1; and

WHEREAS, The Auditor of State, in compliance with the provisions of House bill No. 1, declines to issue his warrant on the state treasury for the purchase of the statutes by the State Librarian; therefore be it

*Resolved by the Senate (the House of Representatives concurring),* That the Auditor of State be and he is hereby authorized to issue his warrant on the Treasurer of State, in compliance with the bill of purchase by the State Librarian, for the payment of the bill above referred to.

Which was then read.

Mr. Dailey moved to indefinitely postpone action on the resolution:

Mr. Overmyer moved, as an amendment, that the resolution be returned to the Senate with the information that the House, having already refused to vote the Statutes to its members, respectfully declines to concur in the resolution.

Which motion was agreed to.

Mr. Hubbard asked leave of absence for the special committee on Soldiers' and Orphans' Home, and special committee on Feeble-Minded Children, until Wednesday morning.

Which was granted.

Mr. Miers asked leave of absence for the committee on education for Monday and Tuesday.

Which was granted.

Mr. Shields introduced the following resolution:

*Resolved*, That the Auditor of State be and he is hereby requested to inform this House whether the property of telegraph companies is now and has been taxed under the general assessment law, and whether any telegraph company has instituted any suit to resist the collection of taxes on their property in Indiana, and the result of any such suit.

Which was adopted.

Mr. Caldwell asked to have House Bill No. 154 recalled from the committee on drains and dykes.

Which was so ordered.

Mr. Lehman entered a motion to reconsider the vote and action on concurrent resolution No. 8 of the Senate.

Which motion was ordered entered on the Journal, and the consideration thereof was deferred for the present.

House Bill No. 389. Introduced by Mr. Shanks, entitled "An act supplemental to an act entitled an act to exempt property from sale in certain cases."

Read the first time.

House Bill No. 390. Introduced by Mr. Baker, entitled "An act to legalize the election of each person who was declared elected to the office of township trustee at the April election of 1878."

Read the first time.

Mr. Lindley moved that the House adjourn.

Which was agreed to.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

---

## SATURDAY MORNING.

FEBRUARY 1, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Mr. Hubbard, the member from Henry.



The Journal of yesterday was read in part, when, on motion of Mr. Sleeth, the further reading was dispensed with.

#### SPECIAL ORDER.

The hour having arrived for the consideration of Mr. Osborn's resolution, the same was taken up and read.

Mr. Sleeth moved that the special order be postponed until 10 o'clock on Tuesday morning.

Mr. Works moved to amend by discharging the special order and refer the resolution to the judiciary committee.

Which amendment was accepted by Mr. Sleeth.

On the adoption of the motion of Mr. Sleeth, as amended by Mr. Works, Messrs. Overmyer and Works demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Jasper, Brown of Steuben, Connaway, Connor, Donnell, Fancher, Faulkner, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Lindley, March, Messick, Osborn of Elkhart, Overmyer, Owen, Reed, Roberson, Robinson, Rooker, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Willard, Wimmer and Works—41.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Briggs, Bryant, Caldwell, Carter, Compton, Cunningham, Dailey, Davidson, Davis, Drake, Drover, Edwins, English, Flodder, Galbraith, Garrouette, Ginz, Handy, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Vermillion, Perry, Richelderfer, Scholl, Schweitzer, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah and Mr. Speaker—44.

So the motion was not agreed to.

Mr. Dailey moved that the consideration of the resolution be postponed until 2 o'clock P. M. on Monday, and be referred to the judiciary committee, and be made the special order for that time.

Which was agreed to.

## COMMUNICATION FROM SUPERINTENDENT OF PUBLIC INSTRUCTION.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives :*

SIR: I have had the honor to receive, at the hands of the Clerk of the House, a resolution of the House of Representatives, of which the following is a copy :

*“Resolved, That the Superintendent of Public Instruction be requested to report to the House, to what extent, if any, the rate of taxation for school purposes, and in the local levies, can be reduced without injury to the efficiency and usefulness of public schools.”*

The local school taxes now authorized by law are as follows, viz:

	On the \$100.	Poll.
A. A tax for the erection of school houses, etc., to be levied by civil trustees of incorporated towns only.....	\$0 30	
See paragraphs 17 and 19, act of March 1, 1877, page 144, acts of 1877.		
B. A tax for the purpose of paying interest and principal of bonds issued by civil authorities of cities and towns for school buildings, to the amount of.....	\$0 50	\$1 00
No more than \$50,000 of these bonds can be outstanding at any one time. See acts of March 11, 1875, page 29 of acts of 1875.		
C. A local tax for school purposes, commonly called tuition tax, to the amount of.....	\$0 25	\$0 25
This tax can be levied by civil authorities only, and not by school trustees. See section 1, act of March 9, 1867, page 30, acts of 1867.		
D. A special tax for the purpose of providing school houses, furniture, apparatus, fuel, and other necessary expenses, except tuition, to the amount of.....	\$0 50	\$1 00
This tax can be levied by school trustees of townships, towns and cities. See section 3, act of March 8, 1873, page 70, acts of 1872-3. This is the only tax that can be levied by school authorities as such, for any purpose whatever.		

There are some other acts which authorize the levying of taxes for school purposes, which were for temporary purposes, and were retroactive merely, hence they need not be considered in making up this report.

The average levy for school purposes is very much below the possible levy. The school authorities have placed upon themselves a limitation, which, in most localities, has kept taxation for school purposes within reasonable bounds, and I do not know of a single corporation which now levies the full amount permitted by law.

After a careful examination of the question, I am satisfied that the following reductions in the possible levy for school purposes, can be made without seriously impairing the efficiency of the schools, viz:

1. The tax mentioned in "A" is entirely unnecessary, and the power to levy it should be withdrawn.

On the \$100.

Poll.

2. I think it would be safe to reduce the limitation on the possible issue of bonds referred to in item "B" from \$50,000 to \$25,000, and to reduce the tax that may be levied for the payment of principal and interest of these bonds from 50 cents on the \$100 and \$1.00 on each poll to..... \$0 15      \$0 50

3. I think that the tax mentioned in item "C" can be reduced from 25 cents on each \$100, and 25 cents on each poll to..... \$0 20      \$0 25

4. I am also of the opinion that the tax mentioned in item "D" can not be reduced without injury to the schools, unless some provision is made for the payment of existing debts. Many corporations have contracted debts in the erection of school houses, relying on their power to make the levy now allowed by law, for the payment of the debts. These corporations can not maintain the efficiency of the schools and meet existing obligations on a levy of less than 50 cents on the \$100. The debts, generally, bear ten per cent. interest, and it is wise to pay them as soon as practicable. If some provision could be made by which a tax could be levied to create a sinking fund, to pay existing debts, to be levied in those corporations only in which debts have already been contracted, I am of the opinion that the levy of 50 cents on the \$100 and \$1.00 on each poll, referred to in item "D," could be reduced to 35 cents on each \$100, and 50 cents on each poll.



These changes will effect a reduction of the possible levy in townships of 26 per cent., in cities of 36 per cent., and in towns of 54 per cent.

As before stated, I think that, with the provisos mentioned, these limitations can be placed upon the possible tax for school purposes without serious injury to the schools.

I shall be glad to present to the proper committee the evidence upon which I have based these opinions.

Respectfully submitted,

J. H. SMART, Supt. Pub. Inst.

Mr. Watson moved to lay the report on the table for the present, and that two hundred copies be printed for the use of the members.

Which was agreed to.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following Senate Joint Resolution No. 10:

*Resolved by the Senate (the House of Representatives concurring),*  
That the pay of pages on duty in the Senate chamber be at the rate of two dollars per day, commencing from the day their duty commenced, and the same is hereby submitted to the House for its action.

D. D. DALE, Secretary.

Mr. Herod, from the select committee, submitted the following report:

MR. SPEAKER:

Your special committee, to whom was referred House Bill No. 269, by Mr. Osborn, of Elkhart, entitled "An act prescribing the number of officers and employes of the House of Representatives, and the compensation to be paid them," have had the same under consideration, and have directed me to report back to the House, in lieu thereof, the following bill, and your committee recommend that the bill now reported do pass:

House Bill No. 391. Presented by the special committee on pay of employes, entitled "An act prescribing the number of officers and employes of the House of Representatives, and the compensation to be paid them."

Read the first time.

Mr. Humphreys moved that the constitutional rules be suspended, and that House bill No. 391 may be read the second time.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carter, Confer, Conaway, Connor, Cunningham, Dailey, Davidson, Donnell, Drake, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rooker, Saint, Scholl, Schweitzer, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—81.

Those who voted in the negative were: Messrs. Allen, Copeland and Edwins—3.

Which motion prevailed.

The constitutional rule was suspended, and House bill No. 391, introduced by the special committee, fixing the salaries of the employes, was read the second time.

Mr. Lindley submitted the following amendment:

I move to amend the bill by inserting five dollars, instead of six dollars, as the rate of compensation prescribed for the first class of clerks enumerated in said bill.

Mr. Lehman moved to lay the amendment on the table.

Which was agreed to.

Mr. Edwins presented the following amendment to-wit:

Amend section 2 of House Bill No. 391 as follows: The Engrossing and Enrolling Clerks of the House to receive five dollars per day for the time employed.

Mr. Briggs moved to lay the amendment on the table.

Which was agreed to.

Mr. Lindley offered the following amendment:

I move to amend by making the pay of Reading Clerks six dollars per day instead of five.

Mr. Stucker moved to lay the amendment on the table.  
Which was not agreed to.

Mr. Lehman demanded the previous question.  
Which was seconded.

The question recurring on the amendment of Mr. Lindley, Messrs Caldwell and Edwins demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Brown of Jasper, Bryant, Caldwell, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Drake, English, Fancher, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hosmer, Huthsteiner, Kelley, Kester, Lehman, Lindley, Messick, Miers, Nave, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rooker, Scholl, Schweitzer, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Works and Mr. Speaker—63.

Those who voted in the negative were: Messrs. Alden, Briggs, Copeland, Davidson, Donnell, Faulkner, Garrouette, Handy, Hubbard, Humphreys, March, Mitchell, Osborn of Elkhart, Perry, Saint and Stucker—16.

The amendment was agreed to.

Mr. Edwins offered the following amendment:

Amend to read Engrossing and Enrolling Clerks \$4.50 per day.

Mr. Tulley offered the following amendment to the amendment:

Amend by allowing the Principal Clerk and Principal Doorkeeper \$5 each per day, and Enrolling Clerks and Engrossing Clerks \$4.50 per day.

Which was accepted by Mr. Edwins.

Mr. Herod moved to lay the amendment of Mr. Edwins, as amended by Mr. Tulley, on the table.

Which was agreed to.

Mr. Works moved to amend by striking out all of the bill relating to paper-folder and the person who attends to the heating of the chamber.

Mr. Humphreys demanded the previous question.

Which was seconded.



Mr. Edwins moved to lay the amendment on the table.  
Which was agreed to.

Mr. Willard moved for a call of the House.  
Which was so ordered.

The roll was called.

Those answering to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Donnell, Drake, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Reichelderfer, Robeson, Robinson, Rooker, Saint, Scholl, Schweitzer, Shanks, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Works and Mr. Speaker—75.

Mr. Willard moved that further proceedings under the call be dispensed with.

So ordered.

Mr. Willard moved that the constitutional rules be suspended and House bill No. 391 be considered engrossed, read the third time and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Briggs, Brown of Jasper, Bryant, Carter, Connaway, Connor, Dailey, Davidson, Donnell, Drake, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, March, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Reichelderfer, Robeson, Saint, Scholl, Schweitzer, Shanks, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Vawter, Watson, Willard, Works and Mr. Speaker—63.

Those who voted in the negative were: Messrs. Allen, Brown of Steuben, Caldwell, Confer, Copeland, Cunningham, Edwins, Osborn of Elkhart, Rooker, Shields, Stucker, Tulley and Vanpelt—13.

The constitutional rule was not suspended.

On motion of Mr. Hess, the House adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

FEBRUARY 1, 1879.

The House met at 2 o'clock P. M., with the Speaker in the chair.

Messrs. Overmyer and Vawter were granted leave of absence until Monday morning.

Mr. Sleeth moved that the hall shall not be used for any other than legislative purposes and caucuses.

Which was agreed to.

Mr. Schweitzer was granted leave of absence until Monday.

Mr. Drover was granted leave of absence until Monday.

House Bill No. 392. Introduced by Mr. Reichelderfer, entitled "An act for establishing a militia of the State of Indiana, and for the organization and regulation of the said Indiana Militia; prescribing penalties for the violation of said regulations; providing for the election and appointment of officers; defining the duties and authority of military and civil officers, and penalties for the neglect or violation thereof; providing for courts martial and courts of inquiry, councils of administration, board of officers to form regulations for the militia, military encampment of officers and enlisted men when on duty; defining the exemption allowed to enrolled members of the militia; prescribing the uniform to the Indiana Legion; making appropriations for the support of said militia, and other matters connected therewith; repealing all laws heretofore enacted on that subject, and declaring an emergency for the immediate taking effect thereof."

Read the first time.

Messrs. Kelly, Ginz and Connaway were granted leave of absence until Monday.

Mr. Dailey presented the petition from the citizens of Wells county on temperance.

Which was referred to the committee on temperance.

Mr. Owen presented a petition from the citizens of Warren county.

Which was referred to the committee on temperance.

House Bill No. 393. Introduced by Mr. Dailey, "An act defining the crime of embezzlement and prescribing the punishment therefor, and repealing all laws in conflict herewith."

Read the first time.

Mr. Humphreys presented a petition from the citizens of Greene county on railroad tax.

Which was referred to the committee on railroads.

Mr. Allen presented a memorial from the Indianapolis, Greencastle and Wabash gravel road.

Which was referred to the committee on roads.

Mr. Saint presented a petition from the citizens of Henry county on temperance.

Which was referred to the committee on temperance.

House Bill No. 394. Introduced by Mr. Carter, "An act to repeal sections 11, 14, 15, 16 and 17 of an act to erect a State Normal School, and declare an emergency, approved December 20, 1865; and also to repeal sections 3 and 4 of an act to amend an act to create a State Normal School, and declare an emergency, approved December 20, 1865, and adding supplemental sections thereto, and providing for certain appropriations, approved March 5, 1873, and declaring an emergency."

Read the first time.

Mr. Carter offered the following resolution :

*Resolved*, That the committee on prisons be required, while on their southern tour of investigation, to carefully examine the sewer which is reported as noisome and detrimental to the health of the citizens of Jeffersonville and Clarksville, and report back to this Assembly the propriety of a permanent sewer of sufficient capacity under ground to the Ohio river, and its immediate completion.

Which was adopted and referred to the committee on prisons.



House Bill No. 395. Introduced by Mr. Stucker, entitled "An act to authorize county treasurers, where property is levied on for taxes and offered for sale in the township, and not sold for want of bidders, to remove the same to the county seat and again offer and sell the same or sufficient amount thereof to satisfy the taxes and charges; and also to require county treasurers, when they make their annual settlements, to make with the same an itemized report of uncollected delinquent taxes, giving particulars, and showing that all provisions of law have been complied with, and all due diligence used to make collections, and all resources to collect the same exhausted, and such report to be upon oath of treasurer, with affidavit attached."

Read the first time.

Mr. Caldwell offered the following concurrent resolution:

*Resolved by the House of Representatives, (the Senate concurring therein),* That for the present, and until the pay of the officers and employes of this House of Representatives be fixed by law, the said officers and employes be allowed to draw the same pay as was allowed such employes and officers at the last session of the House of Representatives of the State of Indiana.

Which was adopted.

House Bill No. 396. Introduced by Mr. Caldwell, entitled "An act defining the privileges of elections in any county or district in this State when two or more Senators or Representatives are to be chosen at the same election."

Read the first time.

Mr. March presented a petition and asked to have it referred to the committee on roads.

So ordered.

House Bill No. 397. Introduced by Mr. Stevens, entitled "A bill for an act to require petitioners praying for the location, vacation or charge of any highway to give bond for the costs in certain cases, and repealing all laws and parts of laws in conflict herewith."

Read the first time.

Mr. Shanks introduced the following resolution:

*Resolved,* That the committee on railroads be instructed to consider the propriety of passing a law requiring railroads in this State to adopt a uniform rate of charges for all of that part of such roads as may be situated in this State, and to fix the maximum per mile

that may be charged for carrying passengers and freight on such roads, and forbidding any railroad in this State from charging a higher rate on local than on through passengers or freights, and that said committee report by bill or otherwise.

Which resolution was adopted.

House Bill No. 398. Introduced by Mr. Shanks, entitled "An act to create the circuit; to provide for the election of a judge thereof; to provide for the duties of a prosecuting attorney for the twenty-sixth circuit; fixing the time for holding courts in the twenty-sixth and twenty-eighth circuits, and amending an act entitled an act to divide the State into circuits for judicial purposes; fixing the time of holding courts therein; abolishing the courts of common pleas, and transferring the business thereof to the circuit courts; providing for the election of judges and prosecuting attorney in certain cases, and repealing all laws in conflict therewith."

Read the first time.

House Bill No. 399. Introduced by Mr. Shanks, entitled "An act authorizing county commissioners to construct and purchase gravel and other macadamized and other improved roads in certain cases, and to make them free to all persons traveling thereon."

Read the first time.

House Bill No. 400. Introduced by Mr. Willard, entitled "An act for the better preservation and protection of game."

Read the first time.

House Bill No. 401. Introduced by Mr. Willard, "A bill to legalize the record of certain plats of lots annexed to the city of New Albany, Floyd county, Indiana, and the proceedings of the common council of said city in relation thereto, and prior to January 1, 1856."

Read the first time.

House Bill No. 402. Introduced by Mr. Allen, entitled "An act to require the petition of property owners in matters of street and alley improvements in incorporated cities and towns in this State, repealing all laws conflicting therewith, and declaring an emergency."

Read the first time.

House Bill No. 403. Introduced by Mr. Allen, entitled "An act to amend section 5 of an act entitled an act to provide for the more speedy trial of causes and facilitate the transaction of business in courts; to provide for judges to try causes and fix their compensa-

tion in certain cases therein named; to authorize adjourned terms of courts and enlarge the jurisdiction in certain specified cases; repealing conflicting provisions in other acts, and declaring an emergency, approved March 7, 1877."

Read the first time.

Mr. Allen was granted leave of absence until Monday morning.

House Bill No. 404. Introduced by Mr. Nave, entitled "An act to amend section 134 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State."

Read the first time.

House Bill No. 405. Introduced by Mr. Arnold, of Blackford, entitled "An act to amend section 3 of an act entitled an act to regulate and license the sale of spirituous, vinous, and malt and other intoxicating liquors; to limit the license fee to be charged by cities and towns; prescribing penalties for intoxication, and providing for the recovery of damages for injuries growing out of unlawful sales of intoxicating liquors; to repeal all former laws regulating the sale of intoxicating liquors, and all laws and parts of laws coming in conflict with the provisions of this act, and prescribing penalties for the violation thereof, and declaring an emergency, approved March 17, 1875."

Read the first time.

House Bill No. 406. Introduced by Mr. Davidson, by request, "An act to encourage sheep husbandry; declaring certain dogs a nuisance; providing for licensing dogs, and fixing penalty for owning, keeping or harboring unlicensed dogs; providing a fund and allowing compensation for sheep or other domestic animals killed or injured by dogs; defining the duties of certain officers under this act, fixing their compensation and the penalties for neglect or refusal to perform, and repealing the act approved March 2, 1865, together with all former acts in conflict with this act."

Read the first time.

House Bill No. 407. Introduced by Mr. Humphreys, entitled "An act repealing assessment and collection of taxes on dogs."

Read the first time.



House Bill No. 408. Introduced by Mr. Humphreys, entitled "An act to provide for the election of county superintendents by the people."

Read the first time.

House Bill No. 409. Introduced by Mr. Humphreys, by request, entitled "An act defining false alarmists."

Read the first time.

House Bill No. 410. Introduced by Mr. Cunningham, "An act to amend section 2 of an act entitled an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto, etc., and declaring an emergency."

Read the first time.

House Bill No. 411. Introduced by Mr. Hubbard, entitled "An act to amend the eighth section of an act entitled an act to amend the act entitled an act authorizing the construction of plank, macadamized and gravel roads, and empowering the same to make sale of a portion of road, approved February 28, 1855."

Read the first time.

Mr. Hubbard presented a memorial from the Society of Friends' Yearly Meeting.

Read and referred to the committee on benevolent institutions.

House Bill No. 412. Introduced by Mr. Hess, "A bill to amend section 397 of an act approved June 18, 1872, entitled an act to revise, simplify and abridge the rules, practice pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity."

Read the first time.

House Bill No. 413. Introduced by Mr. Hess, "A bill to amend section 7 of an act approved March 3, 1877, entitled an act to amend section 7 of an act for the incorporation and continuance of building, loan-fund and saving associations, and repealing the laws on that subject, approved March 5, 1857, and March 7, 1873, and legalizing all such associations now in existence, approved March 11, 1875."

Read the first time.

Mr. Rooker presented the claim of Martin Kendal, and the claim and memorial of James Cravens.

Which were referred to the committee on claims.

House Bill No. 414. Introduced by Mr. Brown, of Jasper, entitled "An act to provide for the relief of Patrick Hallegan."

Read the first time.

House Bill No. 415. Introduced by Mr. Shields, "A bill for an act to regulate and license the sale of spirituous, vinous and malt liquors."

Read the first time.

Two hundred copies ordered to be printed for the use of the members.

House Bill No. 416. Introduced by Mr. Thayer, entitled "An act giving certain courts jurisdiction, by affidavit and information, over felonies, and regulating the practice in the courts where prisoners are in custody or on bail in criminal cases."

Read the first time.

House Bill No. 417. Introduced by Mr. Thayer, entitled "An act for the protection of hotel and inn-keepers and keepers of boarding houses; declaring a misdemeanor, and affixing a penalty thereto."

Read the first time.

House Bill No. 418. Introduced by Mr. Fancher, "An act to amend sections 26 and 28 of an act entitled an act to provide for a general system of common schools, the expenses thereof and their respective duties, powers and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith; providing penalties therein prescribed, approved March 6, 1865, approved March 8, 1873, and supplemental sections thereto; providing for the election of county superintendents; providing for their powers, duties and compensation, approved March 8, 1873.

Read the first time.

House Bill No. 419. Introduced by Mr. Edwins, "An act entitled an act to legalize taxes for 1877 for the incorporation of Ellwood, in Madison county, Indiana, and the proceedings of the board of trustees for the year 1878."

Read the first time.

Mr. Edwins moved that two hundred copies of House bill No. 377 be printed for the use of the members.

So ordered.

House Bill No. 420. Introduced, by request, by Mr. Edwins, entitled, "An act for the relief of Alexander Aaron, M. Williams and Acquilla More.

Read the first time.

Mr. Edwins presented the following resolution, to-wit:

*Resolved*, That the committee on printing be instructed to inquire why bills and other matter pertaining to the business of the House is not completed, and that the said committee be requested to report forthwith.

Which was adopted.

House Bill No. 421. Introduced by Mr. Connor, entitled "An act to provide for the submission to the qualified electors of this State the proper amendments to the constitution of the State.

Read the first time.

House Bill No. 422. Introduced by Mr. Robinson, entitled "An act to authorize county commissioners to take legal proceedings and acquire possession of and control of any plank, macadamized or gravel roads, or parts of roads, within their respective counties, which are continually out of repair, or may have been abandoned, giving commissioners certain powers in the premises, fixing rate of toll on all such roads, and repealing certain statutes mentioned herein, and declaring an emergency."

Read the first time.

House Bill No. 423. Introduced by Mr. Herod, entitled "An act to authorize guardians to borrow money and to mortgage land to secure the payment of the same, and for other purposes."

Read the first time.

Mr. Willard moved that five hundred copies of House bill No. 392 be printed for the use of the members.

So ordered.

Mr. Thompson submitted the following resolution:

*Resolved*, That the Superintendent of the Indiana Institute for the Education of the Deaf and Dumb be and he is hereby requested to exhibit to the committee on benevolent institutions; and to such



members of this House as may desire to be present, his method of instruction and care of the interests of the institution.

Which was adopted.

House Bill No. 424. Introduced by Mr. Works, entitled "An act to amend sections 5, 6, 7, 8, 43, 44, 45 and 46 of an act entitled an act to divide the State into circuits for judicial purposes; fixing the time of holding courts therein; abolishing the courts of common pleas, and transferring the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases, approved March 6, 1873; fixing the time of holding the courts in the counties of Floyd, Clark, Jefferson, Scott, Switzerland, Jennings, Ripley, Ohio and Dearborn counties, and providing for the transaction of business therein, and declaring an emergency."

Read the first time.

House Bill No. 425. Introduced by Mr. Works, entitled "An act making it the duty of the Governor to appoint certain officers therein named."

Read the first time.

House Bill No. 426. Introduced by Mr. Works entitled "An act providing to whom certain costs shall be paid, and declaring an emergency."

Read the first time.

House Bill No. 427. Introduced by Mr. Works, "An act in relation to the duties, fees and liabilities of persons engaged in making examination of records; preparing and furnishing abstracts of titles; statements of records and claims of titles."

Read the first time.

Mr. Huthsteiner presented a claim of David Waddle.

Which was referred to the committee on claims.

House Bill No. 428. Introduced by Mr. Huthsteiner, "A bill for an act to amend sections 1 and 2 of an act entitled an act providing for the organization of county boards and prescribing some of their powers and duties, approved June 17, 1852, and repealing all laws and parts of laws in conflict with said sections as amended."

Read the first time.

Mr. Huthsteiner presented a petition from citizens of Perry county.

Which was referred to the committee on fees and salaries.

House Bill No. 429. Introduced by Mr. Huthsteiner, "A bill for an act to amend supplemental section 9 of an act entitled an act to amend an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and adding supplemental sections thereto, approved March 8, 1873."

Read the first time.

House Bill No. 430. Introduced by Mr. Huthsteiner, "A bill for an act entitled an act in relation to county auditors, approved May 31, 1852."

Read the first time.

Mr. Huthsteiner presented the following resolution, to-wit:

*Resolved*, That the committee on the organization of courts be instructed to inquire into the expediency of providing for an appeal from the action of boards of commissioners in making allowances of money from the county treasury in cases where such appeals are not now provided for by statute; and also into the propriety and expediency of transferring the management of public moneys, known as township tax, from township trustees to the board of commissioners, and that said committee do report by bill, if expedient.

Which was adopted.

Mr. Faulkner presented the claim of William O. Foley.

Which was referred to the committee on claims.

Mr. Faulkner presented a petition from citizens of Rush county.

Which was referred to the committee on fees and salaries.

House Bill No. 431. Introduced by Mr. Faulkner, "A bill for an act to provide for the appointment of a joint committee of the Senate and House of Representatives to investigate public expenditures."

Read the first time.

Mr. Faulkner, from the committee on temperance submitted the following report:

MR. SPEAKER:

Your committee on temperance to whom was referred House bill No. 305, "An act to prevent false and fictitious names to remonstrances against selling intoxicating liquors," have had the same

under consideration, and direct me to report the same back to the House with the recommendation that it be indefinitely postponed.

Which was concurred in.

House Bill No. 432. Introduced by Mr. Sleeth, "A bill for an act to provide for waiving the issuing and service of summons in civil actions, and for the voluntary appearance of defendants on the complaints."

Read the first time.

House Bill No. 433. Introduced by Mr. Sleeth, "A bill for an act protecting wild game, and certain birds, and prohibiting the shipment out of the State of game killed within the State."

Read the first time.

House Bill No. 434. Introduced by Mr. Skinner, "An act providing for the redemption of real property, or any interest therein, sold on execution or other order of sale, and providing for the issuing of certificates in such cases, and for the execution of conveyances, and for the possession of the said property during the period of redemption, and repealing all laws in conflict herewith."

Read the first time.

House Bill No. 435. Introduced by Mr. Perry, entitled "An act legalizing dissection of human bodies for anatomical and surgical study, and providing the manner of obtaining material for such dissection."

Read the first time.

House Bill No. 436. Introduced by Mr. Hopkins, "A bill to amend an act for the organization of county boards, and prescribing some of their powers and duties, approved June 7, 1852, and fixing a penalty, and to provide for the collection of money received by the county commissioners without authority of law, and declaring an emergency."

Read the first time.

House Bill No. 437. Introduced by Mr. Baker, "An act authorizing township trustees and trustees of towns and cities to purchase books for the schools of their township, town or city, and declaring an emergency."

Read the first time.

Two hundred copies ordered printed.



House Bill No. 438. Introduced by Mr. Taylor, of Warrick, "An act to authorize the county commissioners to contract for the public printing of the county, and the books, blanks, stationery and other articles necessary for the county and township officers in the conduct of public business, by receiving sealed bids for the same, after due public notice, and prescribing penalties for a violation of this act, and repealing certain statutes now in force, and other laws and parts of laws in conflict herewith."

Read the first time.

House Bill No. 439. Introduced by Mr. Miers, "An act to legalize certain sales and conveyances, and the titles derived thereby, made by various county auditors of the State of Indiana on mortgages made to the State of Indiana to secure payment of loans made from the common school fund and the congressional township school funds, and declaring an emergency."

Read the first time.

Mr. Arnold, of Wabash, presented the following resolution, to-wit :

*Resolved by the House of Representatives of the State of Indiana,* That all bills, after commitment and report thereon recommending their passage, shall, with the amendment thereto before engrossment, be in a cheap form, printed for the use of the House, except those heretofore printed signed by Jesse Arnold of Wabash county, Messrs. Miers, Dailey, Reichelderfer, Robinson, Harlan, Thayer and Sleeth.

Which was adopted.

House Bill No. 440. Introduced by Mr. Arnold, of Wabash, "An act to authorize justices of the peace and mayors of cities and towns, where affidavit is filed for a state warrant, to require of the person filing the same an undertaking for payment of costs in certain cases."

Read the first time.

House Bill No. 441. Introduced by Mr. Arnold, of Wabash, entitled "An act to amend an act entitled an act to enable and empower executors and administrators of the estates of deceased persons to enforce partitions of the real estates of such decedent in certain cases

and declaring an emergency, approved March 13, 1875, and adding additional provisions, and repealing all laws in conflict, and adding and declaring an emergency."

Read the first time.

House Bill No. 442. Introduced by Mr. Arnold, of Wabash, "An act to amend an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters connected therewith, and prescribing the fees for certain officers therein named, and for the establishment of township libraries, and to repeal all laws inconsistent therewith, and prescribing penalties therein prescribed, approved March 6, 1865."

Read the first time.

Mr. Harland presented a petition from the citizens of Wayne county.

Which was referred to the committee on temperance.

House Bill No. 443. Introduced by Mr. Owen, "A bill to amend section 1 of an act entitled an act to limit the power of township trustees in incurring debts and requiring them to designate certain days for the township business, approved March 11, 1875, limiting the powers of the trustees of any civil or school township in incurring debts."

Read the first time.

House Bill No. 444. Introduced by Mr. Taylor, of Daviess, entitled "An act relating to and defining warehousemen and work-house receipts; also gaugers' receipts for distilled spirits; and defining the crime and prescribing the punishment for the violation thereof, and declaring an emergency."

Read the first time.

Mr. English presented a petition from the county board of education.

Which was referred to the committee on education.

House Bill No. 445. Introduced by Mr. English, by request, entitled "A bill for an act authorizing casualty companies to do business in the State of Indiana."

Read the first time.

House Bill No. 446. Introduced by Mr. English, by request, "An act creating a Department of Statistics in the office of the Secretary of State, and prescribing rules and regulations for the government of the same."

Read the first time.

On motion of Mr. Copeland, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## MONDAY MORNING.

FEBRUARY 3, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of Saturday was read in part, when, on motion of Mr. Watson, the further reading thereof was dispensed with.

Mr. Harland was granted leave of absence.

House Bill No. 343. Introduced by Mr. Shutt, was read the second time and referred to the committee on ways and means.

House Bill No. 344. Introduced by Mr. Willard, was read the second time and referred to the committee on fees and salaries.

House Bill No. 345. Introduced by Mr. Brown, of Jasper, was read the second time and referred to committee on cities and towns.

House Bill No. 346. Introduced by Mr. Lehman, was read the second time and referred to the committee on the judiciary.

House Bill No. 347. Introduced by Mr. Gordon, was read the second time and referred to the committee on the judiciary.

House Bill No. 348. Introduced by Mr. Gordon, was read the second time and referred to the committee on the judiciary.

House Bill No. 349. Introduced by Mr. Gordon, was read the second time and referred to the committee on the judiciary.

House Bill No. 350. Introduced by Mr. Gordon, was read the second time and referred to the committee on the organization of courts.



House Bill No. 351. Introduced by Mr. Herod, was read the second time and referred to the committee on the organization of courts.

House Bill No. 352. Introduced by Mr. Robinson, was read the second time and referred to the committee on the judiciary.

House Bill No. 353. Introduced by Mr. Kelly, was read the second time and referred to the committee on the judiciary.

House Bill No. 354. Introduced by Mr. Watson, was read the second time and referred to the committee on the judiciary.

House Bill No. 355. Introduced by Mr. Sleeth, was read the second time and referred to the committee on the judiciary.

House Bill No. 356. Introduced by Mr. Vanpelt, was read the second time and referred to the committee on the organization of courts.

House Bill No. 357. Introduced by Mr. Garoutte, was read the second time and referred to the committee on county and township business.

House Bill No. 358. Introduced by Mr. Taylor, of Warrick, was read the second time and referred to the committee on county and township business.

House Bill No. 359. Introduced by Mr. Campbell, was read the second time and referred to the committee on temperance.

House Bill No. 360. Introduced by Mr. Schweitzer, was read the second time and referred to the committee on the judiciary.

House Bill No. 361. Introduced by Mr. Schweitzer, was read the second time and referred to the committee on education.

House Bill No. 362. Introduced by Mr. Schweitzer, was read the second time and referred to the committee on temperance.

House Bill No. 363. Introduced by Mr. Schweitzer, was read the second time and referred to the committee on rights and privileges.

House Bill No. 364. Introduced by the judiciary committee was read the second time and ordered to be engrossed.

House Bill No. 365. Introduced by Mr. Campbell, was read the second time and referred to the committee on roads.

House Bill No. 366. Introduced by Mr. Hart, was read the second time and referred to the committee on fees and salaries.

House Bill No. 367. Introduced by Mr. Donnell, was read the second time and referred to the committee on the organization of courts.

House Bill No. 368. Introduced by Mr. Cary, was read the second time and referred to the committee on county and township business.

House Bill No. 369. Introduced by Mr. Humphreys, was read the second time and referred to the committee on ways and means.

House Bill No. 370. Introduced by Mr. Humphreys, was read the second time and referred to the committee on the organization of courts.

House Bill No. 371. Introduced by Mr. Handy, was read the second time and referred to the committee on the organization of courts.

House Bill No. 372. Introduced by Mr. Cunningham, was read the second time and referred to the committee on education.

House Bill No. 373. Introduced by Mr. Wimmer, was read the second time and referred to the committee on rights and privileges.

House Bill No. 374. Introduced by Mr. Overmyer, was read the second time and referred to the committee on county and township business.

House Bill No. 375. Introduced by Mr. Overmyer, was read the second time and referred to the committee on the judiciary.

House Bill No. 376. Introduced by Mr. Taylor, of Lagrange, was read the second time and referred to the committee on temperance.

House Bill No. 378. Introduced by Mr. Gordon, was read the second time and referred to the committee on the judiciary.

House Bill No. 379. Introduced by Mr. Miers, was read the second time and referred to the committee on railroads.

House Bill No. 380. Introduced by Mr. Gordon, was read the second time and referred to the committee on insurance.

House Bill No. 381. Introduced by Mr. Nave, was read the second time and referred to the committee on cities and towns.

House Bill No. 382. Introduced by Mr. Reed, was read the second time and referred to the committee on education.

House Bill No. 383. Introduced by Mr. Kirkpatrick, was read the second time and referred to the committee on the judiciary.

House Bill No. 384. Introduced by Mr. Major, was read the second time and referred to the committee on rights and privileges.

House Bill No. 385. Introduced by Mr. Miers, was read the second time and referred to the committee on county and township business.

House Bill No. 386. Introduced by Mr. Miers, was read the second time and referred to the committee on agriculture.

House Bill No. 387. Introduced by Mr. Rodman, was read the second time and referred to the committee on the judiciary.

House Bill No. 388. Introduced by Mr. Rodman, was read the second time and referred to the committee on roads.

House Bill No. 389. Introduced by Mr. Shanks, was read the second time and referred to the committee on the judiciary.

House Bill No. 390. Introduced by Mr. Baker, was read the second time and referred to the committee on county and township business.

House Bill No. 393. Introduced by Mr. Dailey, was read the second time and referred to the committee on the judiciary.

House Bill No. 394. Introduced by Mr. Carter, was read the second time and referred to the committee on education.

House Bill No. 395. Introduced by Mr. Stucker, was read the second time and referred to the committee on county and township business.

House Bill No. 396. Introduced by Mr. Caldwell, was read the second time and referred to the committee on elections.

House Bill No. 397. Introduced by Mr. Stevens, was read the second time and referred to the committee on rights and privileges.

House Bill No. 398. Introduced by Mr. Shanks, was read the second time and referred to the committee on the organization of courts.

House Bill No. 399. Introduced by Mr. Shanks, was read the second time and referred to the committee on roads.

House Bill No. 400. Introduced by Mr. Willard, was read the second time and referred to the committee on rights and privileges.



House Bill No. 401. Introduced by Mr. Willard, was read the second time and referred to the committee on cities and towns.

House Bill No. 402. Introduced by Mr. Allen, was read the second time and referred to the committee on cities and towns.

House Bill No. 403. Introduced by Mr. Allen, was read the second time and referred to the committee on the judiciary.

House Bill No. 404. Introduced by Mr. Nave, was read the second time and referred to the committee on the judiciary.

House Bill No. 405. Introduced by Mr. Arnold, of Blackford, was read the second time and referred to the committee on temperance.

House Bill No. 406. Introduced by Mr. Davidson, was read the second time and referred to the committee on agriculture.

House Bill No. 407. Introduced by Mr. Humphreys, was read the second time and referred to the committee on ways and means.

House Bill No. 408. Introduced by Mr. Humphreys, was read the second time and referred to the committee on education.

House Bill No. 409. Introduced by Mr. Humphreys, was read the second time and referred to the committee on rights and privileges.

House Bill No. 410. Introduced by Mr. Cunningham, was read the second time and referred to the committee on roads.

House Bill No. 411. Introduced by Mr. Hubbard, was read the second time and referred to the committee on roads.

House Bill No. 412. Introduced by Mr. Hess, was read the second time and referred to the committee on the organization of courts.

House Bill No. 413. Introduced by Mr. Hess, was read the second time and referred to the committee on corporation.

House Bill No. 414. Introduced by Mr. Brown of Jasper, was read the second time and referred to the committee on claims.

House Bill No. 416. Introduced by Mr. Thayer, was read the second time and referred to the committee on the judiciary.

House Bill No. 417. Introduced by Mr. Thayer, was read the second time and referred to the committee on rights and privileges.

House Bill No. 418. Introduced by Mr. Fancher, was read the second time and referred to the committee on education.

House Bill No. 419. Introduced by Mr. Edwins, was read the second time and referred to the committee on rights and privileges.

House Bill No. 420. Introduced by Mr. Edwins, was read the second time and referred to the committee on claims.

House Bill No. 421. Introduced by Mr. Connor, was read the second time and referred to the committee on elections.

House Bill No. 422. Introduced by Mr. Robinson, was read the second time and referred to the committee on roads.

House Bill No. 423. Introduced by Mr. Herod, was read the second time and referred to the committee on the judiciary.

House Bill No. 424. Introduced by Mr. Works, was read the second time and referred to the committee on the organization of courts.

House Bill No. 425. Introduced by Mr. Works, was read the second time and referred to the committee on benevolent institutions.

House Bill No. 426. Introduced by Mr. Works, was read the second time and referred to the committee on the judiciary.

House Bill No. 427. Introduced by Mr. Works, was read the second time and referred to the committee on the judiciary.

House Bill No. 428. Introduced by Mr. Huthsteiner, was read the second time and referred to the committee on elections.

House bill No. 429. Introduced by Mr. Huthsteiner, was read the second time and referred to the committee on education.

House Bill No. 430. Introduced by Mr. Huthsteiner, was read the second time and referred to the committee on county and township business.

House Bill No. 431. Introduced by Mr. Faulkner, was read the second time and referred to the committee on ways and means.

House Bill No. 432. Introduced by Mr. Sleeth, was read the second time and referred to the committee on the judiciary.

House Bill No. 433. Introduced by Mr. Sleeth, was read the second time and referred to the committee on rights and privileges.

House Bill No. 434. Introduced by Mr. Skinner, was read the second time and referred to the committee on the judiciary.

House Bill No. 435. Introduced by Mr. Perry, was read the second time and referred to the committee on rights and privileges.

House Bill No. 436. Introduced by Mr. Hopkins, was read the second time and referred to the committee on fees and salaries.

House Bill No. 438. Introduced by Mr. Taylor, of Warriçk, was read the second time and referred to the committee on county and township business.

House Bill No. 439. Introduced by Mr. Miers, was read the second time and referred to the committee on the judiciary.

House Bill No. 440. Introduced by Mr. Arnold, of Wabash, was read the second time and referred to the committee on the judiciary.

House Bill No. 441. Introduced by Mr. Arnold, of Wabash, was read the second time and referred to the committee on the judiciary.

House Bill No. 442. Introduced by Mr. Arnold, of Wabash, was read the second time and referred to the committee on education.

House Bill No. 443. Introduced by Mr. Owen, was read the second time and referred to the committee on county and township business.

House Bill No. 444. Introduced by Mr. Taylor, of Daviess, was read the second time and referred to the committee on corporations.

House Bill No. 445. Introduced by Mr. English, was read the second time and referred to the committee on insurance.

House Bill No. 446. Introduced by Mr. English, was read the second time and referred to the committee on statistics and emigration.

House Bill No. 447. Introduced by Mr. Garrouette, "An act to amend section 1 of an act entitled an act to enable farmers and citizens of any county in the State of Indiana to form voluntary associations for the purpose of insuring their property against losses by fire, and all other matters connected therein, and to enable them to sue and be sued by their corporate name, approved March 14, 1877."

Read the first time.



House Bill No. 448. Introduced by Mr. Briggs, "An act to amend section — of an act entitled an act to discourage the keeping of useless and sheep killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs, approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled an act for the protection of sheep, approved June 15, 1852, approved March 2, 1865, and declaring an emergency."

Read the first time.

House Bill No. 449. Introduced by Mr. English, "An act to limit the powers of cities having thirty thousand or more inhabitants to contract for illuminating gas or for water, and declaring an emergency."

Read the first time.

House Bill No. 450. Introduced by Mr. Fancher, "An act to prohibit the incorporating of the dissenting opinions of the judges of the supreme court of this State in the reports of said court; also prohibiting the Secretary of State from receiving or receipting for reports containing such dissenting opinions; providing for the repeal of all laws inconsistent herewith, and declaring an emergency."

Read the first time.

House Bill No. 451. Introduced by Mr. Brown, of Steuben, "A bill for an act to repeal sections 1 and 2, and amend section 3, of an act entitled an act to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties of the State, and to provide for the taking up, impounding and selling of all such animals as shall not be allowed by law to run at large, approved May 31, 1852."

Read the first time.

On motion of Mr. Wimmer the house adjourned.

## AFTERNOON SESSION.

FEBRUARY 3, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

House Bill No. 452. Introduced by Mr. Saint, entitled "An act to divide the State into congressional districts."

Read the first time.

## SPECIAL ORDER.

The hour having arrived for the special order, being the consideration of the resolution introduced by Mr. Osborn, of Elkhart, in relation to the election of certain officers therein named, the same was taken up.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following majority report:

MR. SPEAKER:

The undersigned, members of the judiciary committee, and constituting a majority thereof, beg leave to report that the committee to whom was referred House concurrent resolution fixing a day and prescribing the manner of electing officers of the benevolent institutions, and the number to be elected, having considered said resolution, and having determined that members of the committee as such should make such several reports to the House as they might be able to concur in, the said members do present the following report, which they concur in:

First. The Fiftieth General Assembly claimed to be entitled to elect the president of the several boards of trustees of the institutions named in the resolution, and one trustee each for the said institutions, and attempted to elect such officers, but the two houses met in joint convention for that purpose and did not elect nor attempt to elect them by the concurrent vote of each of the two houses, as the law required. By the provisions of the statutes, approved March 5, 1859, the regular term of the president of the said several boards of trustees expires on the second of April, 1879; and conceding this election to the office to have been void, his term will in any event expire at that date. The attempted election by the fiftieth General Assembly in joint convention was without

authority of law and was void, and the trustees and commissioners that attempted to be re-elected now hold their office by virtue of the law which enables them to hold over until their successors are elected and qualified. If the other officers, viz.: One trustee each for the Institution for the Education of the Deaf and Dumb and for the Asylum for the Blind, and one commissioner for the Hospital for the Insane, were ever duly elected, their regular terms would all expire at least as early as the second day of April, 1879. But it is claimed that they hold their offices by virtue of an election held in the same manner as those of the fiftieth General Assembly above referred to, and if so they are now only officers *de facto*, having never had any legal title to their several offices.

Second. Under such a state of facts it is the opinion of the undersigned that the present General Assembly has the power, under the law and the constitution, and that it is the duty of this General Assembly to elect all of the said officers as named, and in the manner provided for in the resolution; and they recommend that the blank in said resolution be filled by the insertion of Wednesday, the 6th day of February, 1879, and that then the said resolution be adopted and be transmitted to the Senate for action thereon.

Signed by

J. D. OSBORN.

S. H. TAYLOR.

I. M. COMPTON.

E. SAINT.

R. W. MIERS.

M. THOMPSON.

Mr. Works, from the committee on the judiciary, submitted the following minority report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred a resolution instructing the committee to inquire into and report the number of officers to be elected by the present General Assembly, and to whom was referred the following resolution, to-wit:

*“Resolved by the House of Representatives, (the Senate concurring), That on the — day of ———, 1879, the two houses will proceed, by concurrent vote, to elect the following officers, to-wit: One president of the several boards of trustees and commissioners of the benevolent institutions of the State, two commissioners for the hospital for the insane, two trustees for the asylum for the blind, and two trustees for the institution for the education of the deaf and*



dumb. That at eleven o'clock, A. M., of said day, the two houses will take the first ballot for the first of said officers in the order above named, and the result of such ballot shall be immediately communicated by each house to the other, and in case the two houses fail to concur or agree in giving to the same person a majority of the votes cast in each house, then succeeding ballots shall in like manner be taken and the result be communicated by each house to the other until ten ballots shall be taken, unless the two houses shall have sooner concurred, or agreed, in giving to the same person a majority of the votes cast in each house; but if no person shall have received a majority of the votes cast in each house upon either of said ten ballots, then another ballot, and further ballots if necessary, shall be concurrently taken by each house, and the person receiving a majority of the votes cast in both houses shall be by such vote elected to said office, and the result of the ballots shall be communicated by each house to the other, and such person shall be declared elected in each house and such declaration and communication shall be spread upon the journals of each house. And the two houses shall concurrently proceed in like manner to elect each of the said other officers in the order above named and shall transact no other business until all of said officers are elected unless by concurrent vote of each house the further continuance of the election be postponed;" have had said resolutions under consideration, and as a member of the committee, I submit the following report:

The number of officers to be elected at this session depends upon the question of the validity of the election of a part of the officers named in 1877. The statute which prescribes the manner of the election of the officers named in the above resolution, provides that "there shall be elected at each regular biennial session of the Legislature one trustee each for the institution for the education of the deaf and dumb and for the asylum for the blind, and one commissioner for the hospital for the insane." 1 Davis Stat., page 179.

The Statute further provides:

"Sec. 4. It shall be the duty of the two Houses of the General Assembly, at its present session, and at each succeeding regular session thereof, as herein provided, to proceed, by concurrent vote, to elect the officers herein named; and in case the two Houses, after ten times voting for the purpose, fail to concur or agree in giving to the same persons a majority of the votes cast in each house, then

the person or persons receiving the majority of the votes cast by both houses, shall be declared elected." 1 Davis Stat., page 180.

The election of 1877 was held under the following concurrent resolution:

"*Resolved by the Senate (the House concurring therein), That the Senate and House of Representatives will, on Friday, the 23d day of February, 1877, meet in joint convention in the hall of the House of Representatives at 10 o'clock A. M., for the purpose of electing the following officers, to-wit:*" \* \* Senate Journal, 1877, page 482; House Journal, page 687.

Under this concurrent resolution, the two houses met in joint convention and attempted to elect one trustee each for the Blind Asylum, Deaf and Dumb Asylum, Soldiers' Orphans' Home, one commissioner of the Insane Asylum, one president of the board of benevolent institutions and other officers. The journals of the two houses show that the two houses met in joint convention, the Lieutenant-Governor presiding, and that one ballot was taken. Neither of the candidates voted for received a majority of the votes cast in each of the houses, but did receive a majority of the votes cast by both houses.

House Journal, pages 699 to 715.

Senate Journal, pages 515 to 530.

The joint rules for the government of the two houses, then in force, provided:

"10. In all elections which require a distinct and separate vote of each house, the voting shall be simultaneous in both houses. No person shall be deemed to be elected in the proper house, making such separate choice, unless he receives a majority of all the votes given in such house. Each house shall, as soon as a choice shall be made in such separate voting, forthwith communicate the same to the other house, and if it shall appear that the houses have concurred in their choice of any or either of the persons so voted for, such person or persons shall be deemed and declared duly elected. But if the houses do not concur in their choice of each and all the officers so to be elected, then, in such case, the two houses shall, in like manner, forthwith proceed to a second separate choice of the remaining officers so attempted to be elected. But if no concurrence then be had, the two houses shall, in like manner, proceed to a third separate choice. If the two houses shall not have concurred in their third separate choice, the two houses shall proceed to a joint vote, *instantly*, for the election

of such officer or officers as the two houses may have failed, for want of concurrence as aforesaid, to elect."

Joint Rule No. 10, Rules of House of Representatives, 1879, page 28.

The resolutions presented to the committee, and the action of the houses in the pretended election of 1877, present a two-fold question:

*First.* Was the election held in compliance with the statute?

*Second.* If not, was the election thereby rendered invalid?

There was no separate vote of the two houses taken, and in the joint vote neither of the candidates received a majority of the votes cast by each house, therefore neither the statute nor the joint rule of the two houses was complied with.

The validity of the election must be determined, then, by the solution of the question: Is the statute prescribing the manner of holding these elections mandatory, or merely directory? If mandatory, it must be conceded that the election was void. The doctrine that statutes may be disregarded on the ground that they are directory, is a very dangerous one and should not be extended. Briefs have been written by learned gentlemen, and printed in the papers, for the purpose of influencing action on this question. They proceed upon the theory that the statute is only directory, and therefore the election is valid. Many authorities are cited. They are to the effect that statutes regulating the *form* of conducting elections are directory. This is conceded. I quote from the authority chiefly relied upon to support the position assumed:

"That a mere irregularity on the part of the election officers, or their omission to observe some merely directory provision of the law, will not vitiate the poll, is a point sustained by the whole current of authorities; but there has existed a great conflict of opinion as to what is an irregularity and what is matter of substance. Matters of substance in the holding of elections, it would seem, may be resolved into such as affect the time and place of election, the due qualification of the officers by whom it is holden, and those affecting the legal qualification of electors; but the conduct of election officers in the performance of the duties enjoined by law, and their observance of the statutes in regard to the recording and return of the legal votes received by them, would seem to fall within the description of directory provisions, and any departure on their part from the strict observance of such portions of the election law are to be



regarded as irregularities which do not vitiate." Brightley's Leading Cases.

Perhaps this is as clear a statement of the distinction between mandatory and directory statutes as could be given. It is my opinion that the election of 1877 falls clearly within the definition given of the mandatory provisions.

The omission was not that of the officers conducting the election, but of the electors themselves. The House of Representatives was not in session when the vote was taken, as it had no presiding officer. The President of the Senate had no authority to preside over the House of Representatives, as such, and the action of its members was a mere nullity. If the Senate could be said to have been in session, in the face of the journals of both houses showing that it was not, its action alone could have no force. But if the two houses did in fact cast their votes, still neither of the candidates were elected, because neither received a majority of the votes cast in each House. This goes to the substance of the election. The candidates had the right, under the statute, to have the members of one House vote uninfluenced by the presence and action of members of the other House, and that the ten ballots required by the statute should be cast, giving the opportunity to members to change their minds and votes. This last would seem to have been very material, in this case, as the change of *one vote* might have resulted in the legal election of one or more of the candidates on the second, or any subsequent ballot, if the election had been conducted as the statute required.

I am, therefore, of the opinion that the election was void, and that the offices attempted to be filled remain as if no election had been held.

There is one other question, however, that affects the right of this General Assembly to fill such offices. The statute provided that the then session should elect two trustees each for the asylum for the blind, the institution for the education of the deaf and dumb, and two commissioners for the hospital for the insane, one of whom for each institution should serve for two years, and one for four years, to be determined by lot; and that at each regular biennial session of the Legislature thereafter there should be elected one trustee for each of said institutions.

The statute does not, in terms, provide how long the trustees and commissioners shall hold their offices. Their terms of office are fixed by the provision that the Legislature shall elect every two

years. The election of 1877 being void, one of the trustees for each of these institutions has held over two years. The question presented is whether successors to those holding over shall be elected this session, or must they hold over for the full term of four years. The proper time for electing the other trustees has come, and *two* must be elected, if the first are not entitled to hold over for another two years. There are two good reasons why this can not be done.

First. Because the statute expressly provides that the Legislature shall elect *one* trustee and commissioner for each institution, and not two.

Second. If the provision that one shall be elected every two years is violated there is no way, under the statute, that the term of office of those elected can be determined. The election every two years, of necessity, limits the term of office to four years. If the term of office were definitely fixed by the statute it would make no difference when the election should take place, they would hold for the term fixed; but if the statute is violated now, by electing *two*, it must be again violated in 1881 by electing *none*, or the term of office of one of the persons elected must be limited to but two years; and if we elect two now their term of office is not fixed. The next Legislature may with the same propriety elect two and thereby limit the term of both to two years. There could be no good reason given why this could not be done, as by violating the statute, we destroy the line of succession by which the term of office is fixed, and there is absolutely no limit. The object of the statute in fixing the time of electing the trustees, is to secure, at all times, the services of one person who is familiar with the duties of the office. This is important, and besides being a violation of the express terms of the statute it would be bad policy to elect two inexperienced persons to these important positions. The successors of the trustees and the commissioner whose terms of office expire at this session should be elected. The persons holding over are entitled to hold for the full term of four years.

The concurrent resolution should be so amended as to provide for the election of *one* trustee each for the asylum for the blind and the institution for the education of the deaf and dumb, and *one* commissioner for the hospital for the insane, and when so amended it should be adopted.

JOHN D. WORKS, of the Committee.

Mr. Sleeth, from the committee on the judiciary, submitted the following second minority report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred resolution No. —, and resolution No. —, for information as to the number of vacancies now existing in the offices of the president, trustees and commissioners of the benevolent institutions of the State, have had the same under consideration, and the undersigned, a minority of said committee, do report as follows:

The question submitted involves the legality of the election of certain of these officers by the General Assembly of 1877. The act of March 5, 1859, creating these offices, provides the manner of their election, viz: "That there should be at that session elected two trustees for the Asylum for the Blind, and two for the Institution for the Education of the Deaf and Dumb, and two commissioners for the Hospital for the Insane, one of whom should serve for two years and one for four years, to be determined by lot, and that the Legislature should thereafter, at each regular session, elect one of such officers for each of said institutions." It also provides that a president of the several boards should be elected every four years by the Legislature. It also provides that it shall be the duty of the two houses of the General Assembly, at each regular session, to proceed by concurrent vote to elect the officers therein named, and that the persons elected shall enter upon and be deemed to be in office from the second day of the ensuing April.

The two Houses did not in 1877 proceed to vote separately, but met in joint convention, where they voted for these officers, the Secretary of the Senate calling and recording the vote of the Senate, and the Clerk of the House calling and recording the roll of the House; the results were then added together, and the persons receiving a majority of all the votes declared elected. The two Houses had by concurrent vote agreed to meet as they did for the election of these officers, and when they separated, each House acting separately, had the proceedings and results spread on their journals without any protest. Was the election so held valid?

The undersigned are of opinion that it was. We have not had an opportunity to trace the mode of electing these officers all the way down from the date of the act, but it is true that the Legislature proceeded in 1873 and in 1875 in the same manner as in 1877, and the Governor has always recognized the validity of the election by commissioning the officers so elected, until the case in question,



when His Excellency Governor Williams refused to commission them.

It is a fact that every department of the State has ratified and sanctioned the mode of election now in question, except the judicial, to which it has not been submitted. The Legislature by so often repeating it in the same mode, the executive, by commissioning the officers so selected, and by setting, acting and voting with the boards so elected, of which the Governor is, *ex officio*, a member, and by all the officers of the State in the payment of money and all other matters in which their official duties have brought them in contact with the officers selected. We take it that the law on the subject of what is directory and what is mandatory as applied to the conduct of elections is fairly laid down by Judge Cooley in his constitutional limitations, on page 617, as follows:

“As the execution of these statutes must very often fall to the hands of men unacquainted with the law and unschooled in business, it is inevitable that mistakes shall sometimes occur, and that very often the law will fail of strict compliance. When an election is thus rendered irregular, whether the irregularity shall avoid it or not must depend generally upon the effect the failure to comply strictly with the law may have had in obstructing the complete expression of the popular will or the production of satisfactory evidence thereof. Election statutes are to be tested like other statutes, but with a leaning to liberality in view of the great public purposes which they accomplish; and except where they specifically provide that a thing shall be done in the manner indicated, and not otherwise, their provisions designed merely for the information and guidance of the officers must be regarded as directory only, and the election will not be defeated by a failure to comply with them, providing the irregularity has not hindered any who were entitled from exercising the right of suffrage or rendered doubtful the evidences from.”

There is no claim here that there was any fraud, that there was any one entitled to participate in the election denied that right, or any one not so entitled did participate, or that the result reached was not the full, free and fair expression of the will of every person entitled to vote, or that the result reached was not the same as if the formalities of the law had been technically complied with. When these conditions are fulfilled the unanimous decisions of the courts are in favor of sustaining the election.

All laws regulating the mode or manner of elections must be construed to be in aid of the free and fair expression of the popular will, and not impediments in its way. The rule is that the party attacking the validity of an election shall show by a preponderance of the evidence that he has been injured by a departure from the strict requirements of the law, and that the same result has not been reached as if all the requirements have been complied with. The case before us, when tested by all these rules, must stand as a good election. The facts touching the election by the General Assembly in 1877 of the president and commissioners and trustees of the benevolent institutions of the State as set forth above sufficiently present the questions upon which the opinion of the judiciary committee was asked by the House, and upon which the undersigned, a minority of that committee, have not been able to agree with the majority thereof; and therefore submit the reasons for the conclusions at which they have arrived touching the validity of that election.

The law on the subject was enacted March 5, 1859. (1. Davis Stat., page 179.) It provides that the General Assembly shall elect the officers named, and defines the tenure of the respective offices. We think that the act very clearly fixes the tenure of office of the persons for whose elections it provides, for it is so worded as when taken together to leave no doubt of the intention of the General Assembly on that subject; and whenever, from the words of an act, that intention can be ascertained, then that intention is the law. Here the act we think leaves no doubt of the intention of the law-making power to fix the tenure of these officers, and the term for which they should hold at four years after the first election under the act.

The lot which was to determine, and did, who should hold for two and who for four years under the first election, no more changed the term of those who should succeed them than a like lot under the constitution of the United States affected the term of the senatorial office in the Congress of the United States. The cases are similar. The term here is fixed at four years. So far as appears by the journals of the Senate and House of Representatives of the General Assembly in 1877, by agreement of the two houses, the election of these officers was then held in the hall of the House of Representatives. Each house voted separately. It was properly an election by the concurrent action of each house or the action of a joint meeting of the two houses. But it appears from the journals that the

Senate did not cast a majority of the votes of its members for the persons who were declared elected. Nor does it appear from the journals of the two houses, or either of them, that ten ballots taken as directed by the act of 1859 were taken before the result was declared. Does the fact that the journals do not show that the ten ballots were taken pursuant to the direction of the act prove that they were not? We do not think so. On the contrary it seems but a fair legal presumption from the fact that the journals of each house do show that certain persons were finally declared duly elected. Each having a majority of all the votes cast, that all the preceding legal steps essential to that result had been already taken. We are of opinion that the face of the journals in the absence of a charge and proof of fraud affecting their verity settles the question in favor of the validity of the election in question. It is said, however, that the election took place in joint convention and is therefore void; the statute being mandatory and not directory. Is the position tenable? We do not think so, and upon this subject adopt the language and quotation of authorities of learned gentlemen who have given a considered opinion on the whole subject. They say: "The power to elect is in the General Assembly and could not be exercised by any other power." The manner of the election was unimportant so that a proper result was reached, that is, that the choice of a majority of the members of the General Assembly was expressed in such result.

In *Pratt vs. The People*, 20 Ill., 72, in an opinion pronounced by the late Judge Breese, eminent both as a jurist and statesman, it is said "the rules prescribed by law for conducting an election are designed chiefly to afford an opportunity for the free and fair exercise of the elective franchise to prevent illegal votes and to ascertain with certainty the result. Such rules are directory merely, not jurisdictional or imperative. If an irregularity of which complaint is made be shown to have deprived no legal voter of his right nor admitted a disqualified person to vote; if it cast no uncertainty on the result, and has not been occasioned by the agency of a party seeking to derive a benefit from it, it may well be overlooked. To the same effect are the following decisions of the highest courts of other states: *Hardenburg vs. Farmers' and Mechanics' Bank*, 2 Green Ca., 68 N. J.; *Day vs. Kent*, 1 Oregon, 123; *Taylor vs. Taylor*, 10 Minnesota, 107; *Deshon vs. Smith*, 10 Iowa, 212; *People vs. Bates*, 11 Michigan, 362; *McKinney vs. O'Connor*, 26 Texas, 5; *Jones vs. The State*, 1 Kansas, 279; *Graham vs. Camp-*



bell, 2 California, 135; Kellan vs. Chapman, 34 California, 635; Gilleland vs. Schuyler, 10 Kansas, 569; People vs. Schermerhorn, 10 Barbour, 540; Commonwealth vs. Muser, 44 Pennsylvania Stat., 343; Leading Cases in Elections by Brightley, 440-50. The forms which must be observed to render the election valid are those which affect the merits. Mere irregularities which do not affect results are not to defeat the will of the majority. *Yuker vs. The Commonwealth*, 20 Pennsylvania Stat., 493.

It is said that the House of Representatives, on the occasion of the election in question, was not presided over by the Speaker, and therefore not capable of acting in the matter on hand. The Senate of the United States had the same question before them in the case of Bright and Fitch, and held that the absence of the President of the Senate did not affect the validity of this election. But here the Speaker was present and voted, as the Journals show. Besides, the undersigned can not regard the question of construction as to whether the law is directory or mandatory as an open one. On the question of usage under the law the same learned opinion is in point and expresses our views. On this question the construction given to the law by former Legislatures, as well as the one that participated in the elections of 1877, is entitled to respect.

In 1873 and 1875, these officers were elected in a joint meeting of the two houses, precisely as they were elected in 1877, and Governor Hendricks, whose ability as a lawyer none will question, issued commissions to the persons so elected. The Legislatures of 1875 and 1877 found these persons so elected in office, and recognized the binding force of the elections under which they held. But it is time that the election, whose validity is now denied by a majority of the committee, has been respected and treated as valid, to all intents and purposes, by the present executive of the State, who has acted with the boards as constituted by it, continuously, when, if the election was null, the power to appoint the members of the board was in his own hands. But not only has his Excellency so treated the election in question, but the other State officers have done the same. The power of the board as constituted has been recognized in the most important matters, and large sums of money paid upon their allowance and order. Is all this, as well as the usage of the General Assembly since 1859, to go for nothing?

It is not, however, denied that the power to elect under the law resided in the majority of the two houses of the General

Assembly taken together in 1877. In other words, the same electors whose votes were cast for the officers mentioned could have elected them if they had cast their votes in their respective houses. The journals of each house show that they were elected, and there is no dissenting voice or protest upon either. We submit this ought to be conclusive. To say that it is not, is "to pay the title of merit ill, and arise but to neglect justice." The opinion already quoted answers our purpose here, and we adopt it.

From Brightly's leading cases we copy the following:

"That a mere irregularity on the part of the election officers or their omission to observe some merely directory provision of the law will not vitiate the poll, is a point sustained by the whole current of authorities; but there has existed a great conflict of opinion as to what is an irregularity and what is a matter of substance."

Matters of substance in the holding of an election, it would seem, may be resolved into such as affect the time and place of election, due qualification of the officers by whom it is holden and those affecting the legal qualification of electors, but the conduct of election officers in the performance of the duties enjoined by law, and their observance of the statutes in regard to the recording and return of the legal votes received by them, would seem to fall within the description of directory provisions, and any departure on their part from the strict observance of such portions of the election law are to be regarded as irregularities which do not vitiate."

To the same general effect, though on a different point, is the case of the State against Jones, 19 Ind., 356, where the proper officer has failed to observe the law in reference to giving notice of the time and place of holding an election for county auditor but the people proceeded to elect in the observance of the legal notice and the election was held valid.

In brief, we suggest that when an election devolves upon the General Assembly or either branch thereof, the manner of the election may be determined by the elective body in the absence of any constitutional provisions controlling its discretion, and there is none in this case. The only provision in the constitution is, that all elections by the General Assembly shall be by a viva voce vote, and the vote by which the officers holding under the election of 1877 were elected, was viva voce.

No commission from the Governor was necessary to entitle the parties so elected to take and hold the offices to which they were

elected. See section five of the act of 1859, 1 Davis' Statutes 180, Shannon vs. Baker (Governor), 33d Ind., 390."

There is no pretence that the irregularity complained of was brought about by any interested party; or that it produced a different result than would have followed the strictest conformity to the letter of the law. No judicial power, we submit, would under such circumstances be fairly warranted in holding the election void.

We concur in the result arrived at by the honorable gentleman from Switzerland, but think that he has reached that result by means of a construction more strict than usage or law fairly imposes upon us, and therefore have presented our dissent therefrom.

The undersigned therefore recommend that the resolution referred to the committee be amended by striking out "two" wherever it occurs in relation to the number of officers to be elected, and inserting "one" in lieu thereof, and striking out all in relation to the election of a president, and when so amended that it be adopted.

GEORGE B. SLEETH.

WALTER MARCH.

J. W. GORDON.

JOHN P. C. SHANKS.

Mr. Lehman moved for a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Briggs, Brown of Jasper, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Owen, Perry, Reichelderfer, Robeson, Robinson, Rooker, Saint, Scholl, Schweitzer, Shanks, Shields, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—76.

Mr. Brown, of Steuben, and Mr. Overmyer were excused for the day.

On motion of Mr. Lehman, the further proceedings under the call was dispensed with.



Mr. Owen moved that the House do now adjourn.

Which motion did not prevail.

The question being on the adoption of the minority report submitted by Mr. Sleeth.

Mr. Gordon moved to lay all the reports and the concurrent resolution on the table.

Messrs. Gordon and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Carey, Connaway, Connor, Copeland, Donnell, Gordon, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Owen, Robeson, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Vawter and Watson—29.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carter, Compton, Confer, Dailey, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garroutte, Ginz, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Willard, Wimmer, Works and Mr. Speaker—49.

Which motion, to lay the reports and concurrent resolution on the table, did not prevail.

Mr. Thompson demanded the previous question.

Which was seconded by the House.

The question again recurring on the adoption of the minority report submitted by Mr. Sleeth.

Messrs. Gordon and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Carey, Connaway, Connor, Copeland, Donnell, Gordon, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Owen, Robeson, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Vawter, Watson—29.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Dailey, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Willard, Wimmer, Works and Mr. Speaker—49.

The minority report submitted by Mr. Sleeth was not adopted.

The question recurring on the minority report submitted by Mr. Works, the same was taken up.

The question being, shall the said minority report be adopted?

Messrs. Gordon and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Carey, Connaway, Connor, Copeland, Donnell, Gordon, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Owen, Robeson, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Vawter, Watson, Wimmer and Works—32.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carter, Compton, Confer, Dailey, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Scholl, Schweitzer, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Willard and Mr. Speaker—46.

The minority report submitted by Mr. Works was not adopted.

The question recurring on the majority report submitted by Mr. Osborn, of Elkhart, the same was taken up.

The question being, shall the majority report be adopted?

Messrs. Edwins and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Dailey, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Willard, Wimmer and Mr. Speaker—47.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Carey, Connaway, Connor, Copeland, Donnell, Gordon, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Owen, Robeson, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Vawter, Watson and Works—30.

The majority report was adopted.

The question recurring on the adoption of the concurrent resolution, as offered by Mr. Osborn, of Elkhart.

Messrs. Gordon and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were; Messrs. Alden, Allen, Barker, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Dailey, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Willard, Wimmer and Mr. Speaker—48.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Carey, Connaway, Connor, Copeland, Donnell, Gordon, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Owen, Robeson, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Vawter, Watson and Works—30.

The concurrent resolution was adopted and the Principal Clerk ordered to inform the Senate thereof.



Mr. Scholl from the committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined the following House bills and report the same correctly engrossed: Nos. 140, 141, 96, 76, 135, 9, 14, 46, 17, 15, 252 and 22; and further report that House bill No. 271 has not been correctly engrossed, and recommend that it be returned to the engrossing clerks for correction.

Which was concurred in.

On motion of Mr. Faulkner, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## TUESDAY MORNING.

FEBRUARY 4, 1879.

The House met pursuant to adjournment, with the speaker in the chair.

The House was opened with prayer by Mr. Snoddy, the member from Hendricks.

The Journal of yesterday was read in part, when, on motion of Mr. Gordon, the further reading was dispensed with.

Mr. Caldwell moved that the consideration of House bill No. 340 be postponed until Friday morning at 10 o'clock A. M., and made the special order for that time in the committee of the whole, and that the special order of this morning be discharged.

Mr. Willard moved to amend by striking out "the committee of the whole."

Which was accepted by Mr. Caldwell.

Which motion, as amended, was agreed to.

House Bill No. 453. Introduced by the committee on elections, entitled "An act to amend section 2 of an act entitled an act providing for the election and appointment of supervisors of highways

and prescribing certain of their duties and those of county and township officers in certain relation thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877."

Read the first time.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill No. 270, by Mr. Dailey, "an act to protect the ballot-box and prevent bribery in elections," have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it do pass.

Which was concurred in, and one hundred copies of the said bill were ordered to be printed for the use of the members.

By consent of the House the resolution in reference to the printing of bills passed on February 1, 1879, was modified by making it read before engrossment.

Mr. Thompson moved that the committee on printing inquire whether or not the printing of bills can not be printed on cheaper paper.

Was agreed to.

Mr. Lehman offered the following resolution:

*Resolved*, That the Clerk is hereby instructed to deliver at once to members the number of German copies of the Governor's message ordered, it being understood that the same are ready for distribution.

Which was adopted.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 31, have instructed me to report that they have had said bill under consideration, and they herewith return the same to the House and recommend that it be indefinitely postponed.

Mr. Gordon moved to refer the bill to a special committee of five.

Which was agreed to.

And the Chair appointed the following committee, to-wit: Messrs. Gordon, March, Osborn, of Elkhart, Works and Dailey.

Mr. Osborn, from the judiciary committee, made the following report:

**MR. SPEAKER:**

Your committee, to whom was referred House Bill No. 35, have instructed me to report that they have had said bill under consideration, and they herewith return the same to the House, and recommend that it be indefinitely postponed.

Which report, on motion of Mr. Connaway, was laid on the table.

Mr. Thayer moved that House bill No. 35 be engrossed.

So ordered.

Mr. Osborn, from the judiciary committee, submitted the following report:

**MR. SPEAKER:**

Your committee, to whom was referred House bill No. 53, have instructed me to report that they have had said bill under consideration, and they herewith return the same to the House, and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

**MR. SPEAKER:**

Your committee to whom was referred House bill No. 60, have had the same under consideration, and they herewith return the same to the House, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

**MR. SPEAKER:**

Your committee to whom was referred House bill No. 97, have had the same under consideration, and herewith return the same back and recommend that it be indefinitely postponed.

Which report was concurred in.



Mr. Osborn, from the committee on the judiciary, made the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 106, have instructed me to report that they have had said bill under consideration, and they herewith return the same to the House and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 124, have instructed me to report that they have had said bill under consideration, and they herewith return the same to the House, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 128, have had the same under consideration, and herewith return the same back, and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 133, have instructed me to report that they have had said bill under consideration, and they herewith return the same to the House, and recommend that it be indefinitely postponed.

Mr. Briggs moved to lay the report of the committee on House bill No. 133 on the table.

Messrs. Briggs and Humphreys demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Connor, Dailey, Davidson, Davis, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Kester, Lehman, Lindley, Major, Mitchell, Osborn of Vermillion, Riechelderfer, Rooker, Schweitzer, Shanks, Shauck, Shields, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Vanpelt, Willard, Wimmer, Works and Mr. Speaker—51.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Campbell, Carey, Connaway, Copeland, Donnell, English, Gordon, Hess, Hopkins, Kelly, Kirkpatrick, March, Messick, Nave, Osborn of Elkhart, Overmyer, Owen, Robeson, Robinson, Rodman, Scholl, Skinner, Snoddy, Taylor of Daviess, Thayer, Thompson, Thornburg, Vawter and Watson—31.

The motion to lay on the table was agreed to.

Leave of absence was granted the committee on election for this afternoon.

Mr. Briggs moved that House bill No. 133 be engrossed.

Which was agreed to.

Mr. Osborn, from the judiciary committee, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 48, have instructed me to report that they have had said bill under consideration and they herewith return the same to the House and recommend that it be indefinitely postponed.

Messrs. Compton and Shanks, of the judiciary committee, submit the following minority report:

MR. SPEAKER:

The undersigned beg leave to offer the following minority report on House bill No. 48, and would recommend that the same do pass.

Pending the consideration of the minority report, submitted by Mr. Shanks, on motion of Mr. Allen, the House adjourned until 2 o'clock P. M.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## AFTERNOON SESSION.

FEBRUARY 4, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The consideration of the report of the judiciary committee pending at adjournment, was resumed.

Mr. Shanks moved that both the majority and minority report on House bill No. 48 do lie on the table for the present.

Which was agreed to.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred resolution No. 28, have examined the same and have directed me to recommend that it be referred to the committee on the organization of courts of justice.

Which was concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred a petition from citizens of Vanderburgh county, have examined the same and have directed me to recommend that it be referred to the committee on fees and salaries.

Which was concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 234, "an act to provide for the protection of fish," direct me to report the same back to the House, with the recommendation that it do lie upon the table.

Which was concurred in.

Mr. Scholl, from the committee on engrossed bills, submitted the following report:



MR. SPEAKER:

Your committee on engrossed bills have carefully examined House bill No. 271 and report it correctly engrossed.

The committee on the judiciary was granted leave of absence during the afternoon; also the committee on agriculture.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 215, entitled "An act to prevent the carrying of dead hogs over public roads and thoroughfares," have had the same under consideration and have directed me to recommend the following amendment, and after it is so amended that the bill do pass.

Mr. Herod moved that the report and bill lie on the table for the present.

Which was agreed to.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, on rights and privileges, to whom was referred House bill No. 105, entitled "an act to regulate the practice of dentistry, have had the same under consideration, and desire me to report the bill back to the House with the recommendation that it do pass.

Which report was not concurred in.

Mr. Willard moved that the report and bill lie on the table for the present.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 294, "an act to provide dead bodies for medical colleges and prevent grave robbing," have had the same under consideration, and direct me to report the bill back with the recommendation that it do pass, and that two hundred copies be printed.

Which was agreed to.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

The committee on rights and privileges have had under consideration House bill No. 329, and have directed me to report the same back with the recommendation that it lie on the table.

Mr. Willard moved that the bill and report be recommitted to the committee on rights and privileges.

Which was agreed to.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

The committee on rights and privileges, to whom was referred House bill No. 159, by Mr. March, "a bill to secure homestead exemption to resident householders," have had the same under consideration, and have directed me to report the same back, with a recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report, to-wit:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred house bill No. 161, on exemption of homestead, have considered the same, and have directed me to report the same back to the house, with the recommendation that it do lie on the table.

On the question of concurring in the report on House bill No. 161, Messrs. Willard and Bryant demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Confer, Connaway, Connor, Copeland, Davis, Donnell, Drake, Edwins, English, Galbraith, Garrouette, Hart, Herod, Hess, Hopkins, Homer, Kelly, Messick, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vanpelt, Vawter, Watson, Wimmer and Mr. Speaker—51.

Those who voted in the negative were: Messrs. Dalton, Faulkner, Flodder, Kester, Mitchell, Rooker, Thayer, Tulley and Willard—9.

There not being a quorum voting, Mr. Willard moved that a call of the House be taken.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Carey, Compton, Confer, Connaway, Connor, Copeland, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Hart, Herod, Hess, Hopkins, Hosmer, Kelly, Kester, Lindley, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—71.

On motion, further proceedings under the call were dispensed with.

The question recurring on the report of the committee, Messrs. Willard and Bryant demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Barker, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Carey, Confer, Connaway, Connor, Copeland, Davis, Donnell, Edwins, English, Galbraith, Garrouette, Hart, Herod, Hess, Hopkins, Hosmer, Kelly, Lindley, March, Messick, Nave, Overmyer, Perry, Robeson, Robinson, Rodman, Scholl, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer and Mr. Speaker—52.

Those who voted in the negative were: Messrs. Compton, Dalton, Drake, Drover, Faulkner, Flodder, Kester, Mitchell, Osborn of Vermillion, Owen, Rooker, Schweitzer, Thayer, Willard and Works—15.

The report was concurred in.



Mr. Edwins, from the committee on rights and privileges, made the following report:

MR. SPEAKER:

Your committee on rights and privileges have had under consideration House bill No. 301, by Mr. Rodman, upon the subject of homestead exemption, and have directed me to report the same back, with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 104, by Mr. Confer, upon the subject of homestead, have directed me to report the same back to the House, with the recommendation that the same be indefinitely postponed.

Which was concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 182, upon the subject of homestead, have had the same under consideration, and have desired me to report the same back, with the recommendation that the same be indefinitely postponed.

Mr. Willard moved that the report and bill lie on the table for the present.

Which was agreed to.

Mr. English, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 216, introduced by Mr. Robinson, have had the same under consideration, and have desired me to report the same back, with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Edwins, from the committee on rights and privileges, made the following report:

MR. SPEAKER :

Your committee on rights and privileges, to whom was referred House bill No. 127, introduced by Mr. Watson, upon the subject of homestead exemptions, have had the same under consideration, and have directed me to report the same back, with the recommendation that the same be indefinitely postponed.

Mr. Watson moved to lay the report and bill on the table for the present.

Which was agreed to.

Mr. Connor, from the committee on agriculture, made the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 84, have had the same under consideration and a majority of the committee direct me to report it back, with a recommendation that it do pass.

Which was concurred in and one hundred copies ordered to be printed for the use of the members.

Mr. Taylor, of Warrick, from the committee on federal relations, submitted the following report :

MR. SPEAKER :

Your committee on federal relations, to whom was referred the Governor's Message, of January 16th, in relation to and accompanied by a copy of a communication from the Hon. George W. McCrary, Secretary of War of the United States, together with a draft of a bill entitled "an act to facilitate the transfer to the United States of the title to the Antietam National Cemetery in the state of Maryland," have had the message and accompanying documents under consideration and direct me to report it back, with the recommendation that the request of the Secretary be complied with, and that the bill as drafted by him do pass.

Which was concurred in.

House Bill No. 455. Introduced by the committee on federal relations, entitled "An act to facilitate the transfer to the United States of the title to the Antietam National Cemetery in the state of Maryland."

Read the first time.

Mr. Taylor, of Warrick, from the committee on federal relations, submitted the following report, to-wit :

MR. SPEAKER:

Your committee on federal relations, to whom was referred House resolution No. 14, introduced by Mr. Handy, have had the same under consideration and direct me to report it back, with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Taylor, of Warrick, from the committee on federal relations, submitted the following report, to-wit:

MR. SPEAKER:

Your committee on federal relations, to whom was referred House resolution No. 76, in relation to specie resumption congratulations, introduced by Mr. Arnold, of Wabash, have had the same under consideration and have directed me to report it back, with the recommendation that it be indefinitely postponed.

On concurring in the report, Messrs. Overmyer and Arnold, of Wabash, demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Briggs, Brown of Jasper, Bryant, Confer, Dalton, Davis, Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Hart, Hosmer, Kester, Mitchell, Nave, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Warrick, Tulley, Vanpelt, Willard, Wimmer and Mr. Speaker—35.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Steuben, Carey, Connaway, Copeland, Donnell, English, Herod, Hess, Hopkins, Kelly, Messick, Overmyer, Owen, Robeson, Robinson, Rodman, Shanks, Skinner, Stevens, Taylor of Lagrange, Thayer, Thornburg and Watson—27.

There not being a quorum voting, Mr. Willard moved a call of the House.

Which was ordered.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Carey, Confer, Connaway, Connor, Copeland, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Hart, Herod,



Hess, Hopkins, Hosmer, Kelly, Kester, Lindley, Messick, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warriek, Thayer, Thornburg, Tulley, Vanpelt, Watson, Willard, Wimmer and Mr. Speaker—64.

On motion of Mr. Copeland, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

### WEDNESDAY MORNING.

FEBRUARY 5, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Mr. Handy, the member from Hancock.

The Journal of yesterday was read in part, when, on motion of Mr. Herod, the further reading was dispensed with.

The consideration of the report of the committee on federal relations on the resolution of Mr. Arnold, of Wabash, pending on adjournment, the same was resumed.

On motion the further proceedings under the call was dispensed with.

The question recurring on concurring in the report, Messrs. Overmyer and Arnold demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Rooker, Scholl, Shauck, Shields, Stucker, Taylor of Warriek, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—50.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Donnell, English, Fancher, Golden, Gordon, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Reed, Robeson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Thayer, Thornburg, Vawter and Watson—33.

The report was concurred in.

Mr. Taylor, of Warrick, from the committee on federal relations, submitted the following report:

MR. SPEAKER:

Your committee on federal relations, to whom was referred House joint resolution No. 76, in relation to legitimatizing children of polygamous marriages, have had the same under consideration and direct me to report it back with the recommendation that it do pass.

Which was not concurred in.

Mr. Lehman moved that the resolution do lie on the table.

Which was agreed to.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed House concurrent resolution No. 24, with the following amendment:

Amend by changing the time from 10 o'clock A. M. to 2:30 o'clock P. M., and the same is herewith submitted to the House for its action.

On motion of Mr. Humphreys the same was concurred in as amended.

Mr. Taylor, of Warrick, from the committee on federal relations, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred the resolution introduced by Mr. Briggs in relation to a change in the United States revenue tax on tobacco, have had the same under consideration, and direct me to report it back, with the recommendation that it do pass.

Mr. English presented the claim of H. Solomon.

Which was referred to the committee on claims.

Mr. Cauthorn presented a petition from the citizens of Knox county.

Which was referred to the committee on fees and salaries.

Mr. Thayer presented a petition from the citizens of Kosciusko.

Which was referred to the committee on fees and salaries.

Mr. Osborn, of Elkhart, presented a petition from the citizens of Elkhart county.

Which was referred to the committee on fees and salaries.

Mr. Brown, of Steuben, presented a petition from the citizens of Steuben county.

Which was referred to the committee on fees and salaries.

Mr. Bearss presented a petition from the citizens of Miami county.

Which was referred to the committee on fees and salaries.

The question being on the adoption of Mr. Briggs' resolution; Mr. Allen moved the previous question.

Which was seconded.

The question recurring on the adoption of the resolution, Messrs. Humphreys and Briggs demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warriek, Thompson, Van Valzah, Willard, Wimmer and Mr. Speaker—53.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, English, Fancher, Faulkner, Golden, Gordon, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, Major, March, Nave, Overmyer, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson and Works—40.

The resolution was adopted.



Mr. Rodman presented a petition from the citizens of Benton county.

Which was referred to the committee on temperance.

Mr. Miers presented a petition from the citizens of Monroe county.

Which was referred to the committee on temperance.

Mr. Herod presented a petition from the citizens of Marion county.

Which was referred to the committee on temperance.

Mr. Donnell presented a petition from the citizens of Decatur county.

Which was referred to the committee on the judiciary.

Mr. Taylor, of Warrick, from the committee on federal relations, submitted the following report:

MR. SPEAKER:

Your committee on federal relations, to whom was referred House joint resolution No. 13, in relation to a reduction of salaries, have had the same under consideration and direct me to report it back, with the recommendation that it do pass.

On the passage of the resolution the ayes and noes were taken.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—90.

Those who voted in the negative were: Messrs. Arnold, of Grant, and Gordon—2.

The resolution was adopted.

The question being, shall the title as read stand as the title of the resolution?

Which was agreed to as amended.

Mr. Taylor, from the committee on federal relations, made the following report:

MR. SPEAKER:

Your committee on federal relations, to whom was referred House resolution No. 56, have had the same under consideration and direct me to report it back, with the recommendation that it lie upon the table.

Mr. Thompson moved that the report lay on the table.

Which was agreed to.

Mr. Overmyer moved to recommit the same back to the committee on federal relations.

Which was agreed to.

Mr. Davidson, from the committee on agriculture, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 111, have had the same under consideration and a majority of the committee direct me to report it back, with a recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 167, have had the same under consideration and the committee unanimously direct me to report it back, with the recommendation that it do pass.

Which was not concurred in.

Mr. Lehman moved that House bill No. 167, do lay on the table.

Which was agreed to.

Mr. Davidson, from the committee on agriculture, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 225, have had the same under consideration, and the committee direct me to

report the same back and recommend that it pass with the following amendment:

Amend section 1 as follows: Strike out the words "section boss," and in lieu thereof insert "railway company, agent or lessee;" also, insert in the same clause the words "and any plank, macadamized or gravel road company," and when so amended a majority of said committee recommend that it do pass.

Which report was concurred in.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 179, have had the same under consideration, and the committee direct me to report it back, with the recommendation that it do pass.

Report concurred in and one hundred copies of House bill No. 179 ordered printed.

Mr. Works, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills, to whom was referred enrolled acts Nos. 4 and 51, Senate, have compared the same carefully with the engrossed bills and find the same correctly enrolled.

Mr. Kirkpatrick, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 210, have had the same under consideration and a majority of the committee direct me to report it back with the recommendation that it do pass.

Report concurred in.

Mr. Overmyer moved to amend by striking out the section of the old law proposed to be amended, which is set forth in the bill.

Which was adopted.

Mr. Thayer moved that the bill No. 210 be not printed, and the bill ordered engrossed.

Which was agreed to.

Mr. Major, from the committee on agriculture, submitted the following report:



MR. SPEAKER:

Your committee on agriculture, to whom was referred a petition from the citizens of Hendricks county on the subject of hogs running at large, have directed me to report the same back with the recommendation that it be referred to the committee on rights and privileges.

Which report was concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 256, "An act to reduce the rate of interest on warrants drawn by county auditors, have had the same under consideration and direct me to report it back with the recommendation that it do pass.

The report was not concurred in.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following Senate concurrent resolution No. 11:

*"Resolved by the Senate (the House of Representatives concurring therein), That for the present, and until the pay of the officers and employes of the Senate be fixed by law, the said officers and employes be allowed to draw the same pay as was allowed them at the last session of the General Assembly."*

I am further directed to inform the House that the Senate has passed the following Senate concurrent resolution No. 12:

*"Resolved by the Senate (the House of Representatives concurring therein), That all printing, ink, paper and stationery of every character to be used by the officers and employes of this session of the General Assembly shall be ordered through the state printing board, and for all bills allowed by said board the Auditor of State is authorized and directed to issue his warrant upon the treasury and charge the same against the appropriation authorized by House bill No. 1 of the present session."*

And the same are hereby submitted to the House for its action thereon.

D. D. DALE, Secretary.

Mr. Reed moved that House bill No. 256 do lay on the table.  
Which was agreed to.

Mr. Baker, from the committee on county and township business, makes the following report:

**MR. SPEAKER:**

Your committee on county and township business, to whom was referred House bill No. 59, entitled "an act providing for appeals from the board of county commissioners in proceedings for the annexation of territory to towns and cities against the will of the owner, and for trial of the cause in the circuit court," have had the same under consideration, and directed me to report the bill back to the House, with the recommendation that it do pass.

Which report was concurred in.

And, on motion, it was ordered engrossed without being printed.

Mr. Baker, from the committee on county and township business, submitted the following report:

**MR. SPEAKER:**

Your committee, to whom was referred House bill No. 21, "A bill transferring the duties of township assessors to township trustees," have had the same under consideration, and direct me to report it back to the House, with the recommendation that it do lie upon the table.

Mr. Owen moved that the bill, with the amendment, be recommended.

Which was agreed to.

Mr. Van Valzah moved that the regular order of business be temporarily suspended, that House bill No. 140 may be taken up and put upon its passage.

Pending the action upon the motion of Mr. Van Valzah, on motion of Mr. Faulkner, the House adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

FEBRUARY 5, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The consideration of the motion of Mr. Van Valzah, pending at adjournment, the same was resumed.

Mr. Van Valzah withdrew his motion.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, on county and township business, to whom was referred House bill No. 51, a bill to abolish the office of county superintendent, have considered the same, and in view of the fact that it is purely an educational bill, have directed me to report the same back to the House with the recommendation that it be referred to the committee on education.

Which was concurred in.

Mr. Faulkner introduced the following resolution:

*Resolved*, That the resolution passed by the House by which all bills reported back by any committee recommending their passage should be printed, be and the same is hereby rescinded.

The following message was received from the Senate:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed the following House concurrent resolution:

*Resolved by the House of Representatives (the Senate concurring therein)*, that for the present, and until the pay of the officers and employes of this House of Representatives be fixed by law, the said officers and employes be allowed to draw the same pay as was allowed such employes and officers at the last session of the General Assembly of the State of Indiana, and the same is herewith returned to the House.

D. D. DALE, Secretary.



Mr. Scholl, from the committee on engrossed bills submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined House bill No. 214, and find it correctly engrossed.

The hour having arrived for the joint session of the two houses, the further consideration of the resolution of Mr. Faulkner was postponed.

Messrs. Briggs and Thayer were appointed as a committee by the Chair to escort the Senate to the House.

#### SPECIAL ORDER.

The hour having arrived for the meeting of the joint convention the senate appeared and was seated in front of the Speaker's desk.

The convention was called to order by the President of the Senate, Lieutenant-Governor Gray.

The roll of the Senate was called by the Secretary of the Senate.

The following Senators answered to their names: Messrs. Benz, Briscoe, Burrell, Cadwallader, Coffey, Comstock, Davenport, Davis, Dice, Donham, Foster, Fowler, Garrigus, Grubbs, Harris, Hart, Hefron, Heilman, Kahlo, Kent, Kramer, Langdon, Leeper, Major, Menzies, Mercer, Moore, Olds, Peterson, Poindexter, Ragan, Reeves, Reiley, Sarnighausen, Shaffer, Shirk, Smith, Streight, Tarlton, Taylor, Traylor, Treat, Trusler, Urmston, Viehe, Weir, Wilson, Winterbotham, Wood, Woollen and Mr. President—50.

The Principal Clerk of the House then called the roll of the House.

Whereupon, those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garoutte, Ginz, Golden, Gordon, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kelley, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robin-

son, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburgh, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—93.

The Secretary of the Senate read the concurrent resolution under which the joint convention had convened.

*Resolved by the House of Representatives (the Senate concurring),* That the Senate and House of Representatives will, on Wednesday, the 5th day of February, 1879, meet in joint convention of the two Houses, in the Hall of the House of Representatives, at 2:30 o'clock P. M., and proceed to the election of the following officers, to-wit:  
One State Librarian.

Three Directors of the Prison North.

Two Directors of the Prison South.

And the same is respectfully submitted to the Senate for its concurrence therein.

Mr. Overmyer offered the following resolution:

*Resolved,* That the joint convention will proceed with the election in the following order:

First. State Librarian.

Second. Directors of Southern Prison.

Third. Directors of Northern Prison.

Which was adopted.

The president of the convention announced nominations to be in order for State Librarian.

Mr. Overmyer nominated Richard Connor, of Marion county.

Mr. Lehman nominated Miss Maggie Fitzgibbon, of Marion county.

Mr. Major, of Morgan, nominated Henry Clay Sailors, of Marion county.

No other nominations being made, the Secretary of the Senate called the roll of the Senate, and the Principal Clerk of the House called the roll of the House.

On the part of the Senate those who voted for Miss Maggie Fitzgibbon were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper,

Major, Menzies, Peterson, Reeve, Reiley, Sarnighausen, Tarlton, Traylor, Urmston, Viehe, Weir, Woollen and Winterbotham—26.

On the part of the Senate those who voted for Richard Connor were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

On the part of the Senate those who voted for Henry Clay Sailors were: Senator Poindexter—1.

On the part of the House those who voted for Miss Maggie Fitzgibbon were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—58.

On the part of the House those who voted for Richard Connor were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—33.

On the part of the House those who voted for Henry Clay Sailors were: Messrs. Major and Osborn of Vermillion—2.

Whole number of votes cast for Miss Maggie Fitzgibbon:

On part of the Senate.....	26
On part of the House.....	58
Total.....	84

Whole number of votes cast for Mr. Richard Connor:

On part of the Senate.....	23
On part of the House.....	33
Total.....	56



Whole number of votes cast for Mr. Henry Clay Sailors:

On part of the Senate.....	1.
On part of the House.....	2.
	<hr/>
Total.....	3

Necessary to a choice, 72.

Miss Maggie Fitzgibbon having received a majority of all the votes cast, the President of the convention declared her duly elected to the office of State Librarian for the term prescribed by law.

The President of the convention announced nominations to be in order for Directors of Southern Prison.

Senator Riley nominated Colonel Thomas Shea, of Scott county.

Senator Comstock nominated Charles Coffin, of Wayne county.

Mr. Osborn, of Vermillion, nominated Allen W. Monroe, of Floyd county.

No other nominations being made, the Secretary of the Senate called the roll of the Senate, and the Principal Clerk of the House called the roll of the House.

On the part of the Senate those who voted for Colonel Thomas Shea were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeves, Reiley, Sarnighausen, Tarlton, Traylor, Urmston, Viehe, Wood, Woollen and Winterbotham—26.

On the part of the Senate those who voted for Charles F. Coffin were: Senators Cadwallader, Comstock, Davenport, Dice, Garrius, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

On the part of the Senate those who voted for Allison W. Monroe, of Floyd county, were: Senator Poindexter—1.

On the part of the House those who voted for Colonel Thomas Shea were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Reichelderfer, Rooker, Saint,

Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Works and Mr. Speaker—54.

On the part of the House those who voted for Charles F. Coffin were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Herod, Hess, Hopkins, Johnston, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—35.

On the part of the House those who voted for Allison W. Monroe, of Floyd county, were: Messrs. Major and Osborn of Vermilion—2.

Whole number of votes cast for Col. Thomas Shea :

On part of the Senate. ....	26
On part of the House.....	54
	—
Total.....	80

Whole number of votes cast for Mr. Charles F. Coffin :

On part of the Senate.....	23
On part of the House.....	35
	—
Total.....	58

Whole number votes cast for Mr. Allen W. Monroe:

On part of the Senate.....	1
On part of the House.....	2
	—
Total.....	3

Necessary to a choice, 71.

Col. Thomas Shea having received a majority of all the votes cast was declared by the President of the convention duly elected a Director of the State Prison South for the term prescribed by law.

The President of the convention announcing further nominations for Directors of the State Prison South to be in order.

Mr. Miers nominated P. L. D. Mitchell, of Monroe county.

Mr. Grubb nominated Samuel D. Platt, of Perry county.

Mr. Osborn nominated James H. Burton, of Morgan county.

On the part of the Senate those who voted for P. L. D. Mitchell were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kramer, Kent, Leeper, Major, Menzies, Peterson, Reeves, Reilly, Sarnighausen, Tarlton, Traylor, Urmston, Viehe, Wood, Woollen and Winterbotham—26.

On the part of the Senate those who voted for Samuel D. Platt were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

On the part of the Senate those who voted for James H. Burton were: Senator Poindexter—1.

On the part of the House those who voted for P. L. D. Mitchell were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reed, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Works and Mr. Speaker—56.

On the part of the House those who voted for Samuel D. Platt were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Herod, Hess, Hopkins, Kelly, Lindley, March, Messick, Overmyer, Owen, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—33.

On the part of the House those who voted for James H. Burton were: Messrs. Major and Osborn of Vermillion—2.

Whole number of votes cast for P. L. D. Mitchell:

On part of the Senate.....	26
On part of the House.....	56
Total.....	82



Whole number of votes cast for Mr. Samuel D. Platt:

On part of the Senate.....	23
On part of the House.....	33
Total.....	56

Whole number of votes cast for Mr. James H. Burton:

On part of the Senate.....	1
On part of the House.....	2
Total.....	3

Necessary to a choice, 71.

Mr. P. L. D. Mitchell having a majority of all the votes cast was declared by the president of the convention duly elected a director of the State Prison South for the term prescribed by law.

The president of the convention announced nominations to be in order for a director of the State Prison North.

Mr. Kent nominated Col. John Lee, of Montgomery county.

Mr. Copeland nominated John W. Baker, of Whitley county.

Mr. Poindexter nominated Joseph C. Campbell, of Henry county.

No other nominations being made, the Secretary of Senate called the roll of the Senate, and the Principal Clerk of the House called the roll of the House.

On the part of the Senate those who voted for Colonel John Lee were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeves, Reiley, Sarnighausen, Tarlton, Traylor, Urmston, Viehe, Wood, Woolen and Winterbotham—26.

On the part of the Senate those who voted for John W. Baker were: Senators Cadwallader, Comstock, Davenport, Dice, Garri-gus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

On the part of the Senate those who voted for Joseph C. Camp-bell were: Senator Poindexter—1.

On the part of the House those who voted for Colonel John Lee were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cun-ningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins,

English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard and Mr. Speaker—52.

On the part of the House those who voted for John W. Baker were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg and Watson—34.

On the part of the House those who voted for James C. Campbell were: Messrs. Major, Osborn of Vermillion and Wimmer—3.

Whole number of votes cast for Colonel John Lee:

On part of Senate.....	26
On part of House.....	52
Total.....	78

Whole number of votes cast for Mr. John W. Baker:

On part of Senate.....	23
On part of House.....	34
Total.....	57

Whole number of votes cast for Mr. Joseph C. Campbell:

On part of Senate.....	1
On part of House.....	3
Total.....	4

Necessary to a choice, 70.

Colonel John Lee having received a majority of all the votes cast, was declared by the President of the convention duly elected a Director of the State Prison North for the term prescribed by law.

The President of the convention announcing further nominations for Directors of the State Prison North to be in order,

Mr. Coffey nominated Frederick Hoover, of Jasper county.

Mr. Copeland nominated Robert Dykes, of Noble county.

Mr. Poindexter nominated Richard Hazley, of Putnam county.

No other nominations being made, the Secretary of the Senate called the roll of the Senate, and the Principal Clerk of the House called the roll of the House.

On the part of the Senate those who voted for Frederick Hoover were: Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster, Fowler, Hart, Hefron, Kent, Kramer, Leeper, Major, Menzies, Peterson, Reeves, Reiley, Sarnighausen, Tarlton, Traylor, Urmstan, Viehe, Wood, Woollen and Winterbotham—26.

On the part of the Senate those who voted for R. Dykes were: Senators Cadwallader, Comstock, Davenport, Dice, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—23.

On the part of the Senate those who voted for Richard Hazlett were: Senator Poindexter—1.

On the part of the House those who voted for Frederick Hoover were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garoutte, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—54.

On the part of the House those who voted for Robert Dykes were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—34.

On the part of the House those who voted for Richard Hazlett were: Messrs. Major, Osborn of Vermillion and Wimmer—3.



Whole number of votes cast for Mr. Frederick Hoover:

On part of Senate.....	26
On part of House.....	54
Total.....	80

Whole number of votes cast for Mr. Robert Dykes:

On part of Senate .....	23
On part of House.....	34
Total.....	57

Whole number of votes cast for Mr. Robert Hazlett:

On part of Senate.....	1
On part of House.....	3
Total.....	4

Necessary to a choice, 71.

Frederick Hoover, having received a majority of all the votes cast, was declared by the president of the convention duly elected a director of the State Prison North, for the term prescribed by law.

The President of the convention announcing further nominations to be in order for Directors of the State Prison North,

Senator Menzies nominated Simeon Wile, of Laporte county.

Mr. Copeland nominated C. R. Luther, of Porter county.

Mr. Poindexter nominated Henry Goar, of Fulton county.

No other nominations being made, the Secretary of the Senate called the roll of the Senate, and the Principal Clerk of the House called the roll of the House.

On the part of the Senate those who voted for Simeon Wile were Senators Benz, Briscoe, Burrell, Coffey, Davis, Donham, Foster Fowler, Hart, Hefron, Kramer, Kent, Leeper, Major, Menzies, Peterson, Reeves, Reiley, Sarnighausen, Tarlton, Traylor, Urmston, Viehe, Wood, Woollen and Winterbotham—26.

On the part of the Senate those who voted for C. R. Luther were: Senators Cadwallader, Comstock, Davenport, Garrigus, Grubbs, Harris, Heilman, Kahlo, Langdon, Mercer, Moore, Olds, Ragan, Shaffer, Shirk, Smith, Streight, Taylor, Treat, Trusler, Weir and Wilson—22.

On the part of the Senate those who voted for Henry Gore were: Senator Poindexter—1.

On the part of the House those who voted for Simeon Wile were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Wil-lard and Mr. Speaker—53.

On the part of the House those who voted for Charles R. Luther were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Don-nell, Fancher, Golden, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Rob-inson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of La-grange, Thayer, Thornburg, Vawter and Watson—35.

On the part of the House those who voted for Henry Gore were: Messrs. Major, Osborn of Vermillion and Rooker—3.

Whole number of votes cast for Mr. Simeon Wile:

On part of Senate.....	26
On part of House.....	53
Total.....	79

Whole number of votes cast for Charles R. Luther:

On part of Senate.....	22
On part of House.....	35
Total.....	57

Whole number of votes cast for Henry Gore:

On part of Senate.....	1
On part of House.....	3
Total .....	4

Necessary to a choice, 71.

Simeon Wile having received a majority of all the votes cast was declared by the President of the Convention duly elected a Director of the State Prison North, for the term prescribed by law.

The President of the joint convention declared that the convention had completed the business for which it was assembled and the Senate returned to its chamber.

The consideration of the resolution of Mr. Faulkner, pending at the time of the meeting of the joint session, the same was resumed.

The committee on benevolent institutions was granted leave of absence during the balance of the day.

Mr. Owen moved to lay the resolution of Mr. Faulkner on the table.

On the motion to lay the resolution on the table, Messrs. Tulley and Faulkner demanded the ayes and noes.

Mr. Sleeth moved to refer the whole matter to a special committee of three.

Which was agreed to.

And the chair appointed the following committee: Messrs. Osborn of Elkhart, Overmyer and Works.

On motion of Mr. Wimmer, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

---

## THURSDAY MORNING.

FEBRUARY 6, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by the Rev. John K. Pye, of Indianapolis.

The Journal of yesterday was read in part, when, on motion of Mr. Tulley, the further reading thereof was dispensed with.

Mr. Lehman submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill No. 421, introduced by Mr. Connor, entitled "an act to provide for the submission to the qualified electors of this State the proposed



amendment to the constitution of the State," have had the same under consideration and have directed me to report as follows: Amend the title by striking out the words, "and declaring an emergency;" also amend by striking out all that follows between the title and enacting clause. Further, amend by striking out all after the enacting clause and insert the following bill herewith submitted, and when so amended that the bill do pass.

COPY OF BILL SUBMITTED.

That the several proposed amendments to the constitution passed and proposed by the fiftieth General Assembly and agreed to by the fifty-first General Assembly, and numbered respectively 1, 2, 3, 4, 5, 6, and 9, shall be submitted to the electors of the State at the regular township elections to be held on the first Monday in April in the year 1880; and the Secretary of State is hereby authorized to procure and cause to be distributed to each township trustee in the State a sufficient number of ballots for such township, not less in number than double the number of votes cast therein for Secretary of State at the last general election in October, 1878, upon each of such ballots he shall cause to be accurately printed all of the said proposed constitutional amendments, which shall be numbered thereon in their order, such number being immediately above the the proposed amendment to which it refers. Immediately below each of said proposed amendments there shall be printed the following words upon the above proposed amendment number (giving the proper number) "I vote," (leaving a blank space sufficient to write the word "no" or "yes," as the voter desires). Each of such ballots shall have printed at the head or top the following words: "The proposed constitutional amendment," and upon the outside thereof, so that they may be visible when the ballot is folded, shall be printed the following words, "Constitutional amendment." Each and every legally qualified voter at said township election may at the polls where he is entitled to vote deposit one of the said ballots in the ballot box and no more, at the same time and under the same regulations as he may then be entitled to cast his ballot for the township trustees at such election, and such voter may so vote for or against each of said amendments by writing in the proper place the words "no" or "yes," as the case may be. The board of judges shall count the votes so given.

The board of judges shall count the votes so given for and against each of said proposed amendments. That is, when in the proper

place the word no shall be written they shall count one vote against that proposed amendment, and when in the proper place the word yes shall be written they shall count one vote for that proposed amendment, designating each one by its proper number, and they shall certify the result into the clerk's office of the county in the same manner and under the same regulations as may be provided by law for certifying and returning the result of the election of the township trustees when voted for, and the clerk shall certify and transmit the result of the vote in his county to the Secretary of State within five days after receiving such result, in the same manner that he is now required to certify and transmit the votes for State officers. And the Secretary of State shall certify the result to the Governor in the same manner he is now required to certify the result of the vote for State officers, and the Governor shall by proclamation to be published as he may direct declare the result, and if the majority of the votes so given shall be for any or either of said proposed amendments, then such amendment shall be deemed and declared to be adopted, and shall become from the date of its adoption a part of the constitution, or the parts of the constitution referred to in such amendment, shall be deemed to be amended or stricken out as the case may be.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the Senate concurrent resolution No. 2, to-wit:

*Resolved by the Senate (the House of Representatives concurring),* That our Senators be and are hereby requested to use their influence to procure the passage of the bill now pending before the United States Senate regulating inter-state commerce, and that the Secretary of State be directed to forward our Senators in Washington a copy of this resolution. And the same is herewith submitted to the House of Representatives for its action thereon.

Mr. Wimmer moved the previous question, which was seconded.

Mr. Overmyer moved that the report lie on the table.

On which Messrs. Overmyer and Lehman demanded the ayes and noes.

Mr. Humphreys moved a call of the House.

Which was ordered.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—93.

On motion of Mr. Humphreys further proceedings under the call were dispensed with.

The question recurring on the motion of Mr. Overmyer.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Bryant, Campbell, Carey, Carter, Connaway, Connor, Copeland, Cunningham, Donnell, Drake, Fancher, Faulkner, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vawter, Watson, Willard, Works and Mr. Speaker—52.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drover, Edwins, English, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Osborn of Elkhart, Perry, Scholl, Schweitzer, Shauck, Shields, Stucker, Tay-



lor of Daviess, Taylor of Warrick, Tulley, Vanpelt, Van Valzah and Wimmer—43.

Which motion was agreed to.

Mr. Overmyer moved to amend the bill by filling the blanks with the first Tuesday in March, 1879.

Mr. Lehman moved to lay the motion of Mr. Overmyer on the table.

On the motion Messrs. Overmyer and Sleeth demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drover, Edwins, English, Galbraith, Garrotte, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Perry, Scholl, Schweitzer, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Van Valzah, Willard and Wimmer—41.

Those who voted in the negative were: Messrs. Arnold of Blackford, Arnold of Wabash, Barker, Bearss, Brown of Steuben, Bryant, Campbell, Carey, Carter, Connaway, Connor, Copeland, Cunningham, Donnel, Drake, Fancher, Faulkner, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Nave, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburgh, Vanpelt, Vawter, Watson, Works and Mr. Speaker—52.

The motion to lie on the table was not agreed to.

Mr. Miers moved to amend by striking out the first Tuesday in March, 1879, and inserting the first Monday in April, 1880.

The question recurring on the motion of Mr. Miers, Messrs. Edwins and Lehman demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Daily, Dalton, Davidson, Davis, Drover, Edwins, English, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Osborn of Elkhart,

Osborn of Vermillion, Perry, Reichelderfer, Scholl, Schweitzer, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Van Valzah and Willard—41.

Those who voted in the negative were: Messrs. Arnold of Blackford, Arnold of Wabash, Barker, Bearss, Brown of Steuben, Bryant, Campbell, Carey, Carter, Connaway, Connor, Copeland, Cunningham, Donnel, Drake, Fancher, Faulkner, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Nave, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—53.

The motion was not agreed to.

Mr. Tulley moved to adjourn.

On which the ayes and noes were demanded by ten members.

The roll was called.

Those who voted in the affirmative were: Messrs. Confer, Dalton, English, Galbraith, Garrouette, Ginz, Hosmer, Huthsteiner, Kester, Lehman, Osborn of Elkhart, Perry, Reichelderfer, Schweitzer, Shields, Taylor of Daviess, Tulley, Van Valzah and Willard—20.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Blackford, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Golden, Gordon, Handy, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—74.

The motion to adjourn was not agreed to.

The question recurring on the motion of Mr. Overmyer.

Mr. Taylor moved to strike out the first Tuesday in March, 1879, and insert the second Tuesday in October, 1879.

On which motion Messrs. Taylor, of Warrick, and Tulley, demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Compton, Cunningham, Dailey, Dalton, Davis, Galbraith, Handy, Hart, Hosmer, Humphreys, Kester, Miers, Mitchell, Schweitzer, Taylor of Warrick, Tulley, Van Valzah and Willard—18.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Blackford, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Davidson, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Garrouette, Ginz, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Thayer, Thompson, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—76.

The motion was lost.

Mr. Overmyer demanded the previous question.

Which was seconded.

Mr. Lehman moved that the House do now adjourn.

On which motion the ayes and noes were demanded by ten members.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Kester, Lehman, Miers, Mitchell, Osborn of Elkhart, Perry, Reichelderfer, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Van Valzah and Willard—41.

Those who voted in the negative were: Messrs. Arnold of Blackford, Arnold of Wabash, Barker, Bearss, Brown of Steuben, Bryant, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Flodder, Golden, Gordon, Herod, Hess, Hop-



kins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Major, Thompson, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—53.

The motion to adjourn was not agreed to.

The question again recurring on the motion of Mr. Overmyer, Messrs. Overmyer and Sleeth demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Blackford, Arnold of Wabash, Barker, Bearss, Brown of Steuben, Bryant, Campbell, Carey, Carter, Connaway, Connor, Copeland, Cunningham, Donnell, Drake, Fancher, Faulkner, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vanpelt, Vawter, Watson, Wimmer and Works—50.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drover, Edwins, English, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Van Valzah, Willard and Mr. Speaker—43.

The motion was agreed to.

Mr. Overmyer moved that the bill be engrossed.

On motion of Mr. Faulkner, the House adjourned until 2 o'clock P. M.

---

## AFTERNOON SESSION.

FEBRUARY 6, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The consideration of the motion of Mr. Overmyer, to order House bill No. 421 engrossed, pending at adjournment, the same was resumed.

Mr. Humphreys moved to refer House bill No. 421 to the judiciary committee.

Mr. Thompson asked for a call of the House.

Which was taken.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Blackford, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—90.

Mr. Flodder was granted leave of absence.

Mr. Saint was granted leave of absence.

On motion of Mr. Humphreys, further proceedings under the call were dispensed with.

The question recurring on the motion of Mr. Humphreys, to refer House bill No. 421 to the committee on the judiciary.

Mr. Miers moved the previous question.

Which was seconded.

On the adoption of the motion of Mr. Humphreys, Messrs. Overmyer and Sleeth demanded the ayes and noes.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Meirs, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion,

Perry, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Vanpelt, Van Valzah and Mr. Speaker—49.

Those who voted in the negative were: Messrs. Arnold of Blackford, Arnold of Wabash, Bearss, Brown of Steuben, Bryant, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vawter, Wimmer and Works—43.

Which motion was agreed to.

Mr. Overmyer moved the judiciary committee be instructed to report the bill providing for the submission of the constitutional amendments to this House on to-morrow morning.

Which motion prevailed.

Mr. Gordon submitted the following, and asked that the order asked for therein be granted.

MR. SPEAKER:

I am directed by the committee appointed under a resolution of this House to investigate the action of the State House Commissioners in the selection of a plan of the State House and other matters connected with the same, and the contracts for the building of the same (of which the gentleman from Floyd is chairman), to ask an order of the House authorizing the employment of a short-hand writer to take and report the testimony of witnesses who may testify before the committee, and that before he is employed the House shall be informed of the cost.

Which was, on motion, agreed to.

House Bill No. 456. Introduced by Mr. Handy, entitled "An act to require certain plank, macadamized and gravel road companies to whom was relinquished the right of the State in so-called National road or Cumberland road to finish, complete and keep in repairs their entire road, as specified and described in their original charter and articles of organization, within a certain time, and prescribing penalties and remedies for a non-compliance with this act and its provisions, and repealing all conflicting laws, and declaring an emergency."

Read the first time.



House Bill No. 457. Introduced by Mr. Reed, entitled "An act to amend the sixty-sixth section of an act entitled an act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the courts of common pleas and transferring the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases, approved March 6, 1873."

Read the first time.

Mr. Willard moved to proceed to the business on the Speaker's table.

Which was agreed to.

The following communication was received from the Auditor of State:

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

In reply to a resolution of the House of January 31, as to whether the property of telegraph companies was being taxed in accordance with the assessment law; I have the honor to state that all the telegraph companies which operate wires in this State make a return annually of all tangible property, to the several county auditors where the wires are located, on blanks furnished them from this office. They also furnish this office annually with copies of all such returns, with the exception of the wires operated by the Louisville, New Albany and Chicago Railroad Company. This company has refused to make any such returns, contending that the wires are a part of the railroad property and are included in the assessment of such property.

The names of the companies which make sworn statements annually of their property for valuation are as follows:

The Western Union Telegraph Company; the Grand Rapids and Indiana Railroad Company (which operate wires of their own); the Cincinnati, Richmond and Fort Wayne Railroad Company.

The general assessment law requires the capital stock of telegraph companies to be assessed, but the courts have decided that capital stock located outside of the State can not be taxed in this State. This leaves the tangible property, viz: wires, poles, batteries and

office furniture to be taxed, which has been done in accordance with the law.

I am, very respectfully, yours,

MAHLON D. MANSON,

Secretary of State.

Which was referred to the committee on rights and privileges.

Senate Concurrent Resolution No. 11:

*Resolved by the Senate (the House of Representatives concurring therein),* That for the present, and until the pay of the officers and employes of the Senate be fixed by law, the said officers and employes be allowed to draw the same pay as was allowed them at the last General Assembly.

Read the first time and adopted.

Senate Concurrent Resolution No. 12:

*Resolved by the Senate (the House of Representatives concurring),* That all printing, ink, paper and stationery of every character, to be used by the officers and employes of this session of the General Assembly, shall be ordered through the State Printing Board; and for all bills allowed by said board, the Auditor of State is authorized and directed to issue his warrant upon the state treasury and charge the same against the appropriation authorized in House bill No. 1 of the present session.

Read and adopted.

On concurring in resolution No. 12, Messrs. Tulley and Schweitzer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Conaway, Connor, Copeland, Davis, Donnell, Drover, English, Garrouette, Ginz, Golden, Gordon, Handy, Herod, Hess, Hopkins, Hosmer, Hubbard, Kelly, Lehman, Lindley, March, Messick, Osborn of Elkhart, Osborn of Vermillion, Owen, Reed, Robinson, Rodman, Scholl, Skinner, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Thompson, Vanpelt, Vawter, Watson, Willard and Works—53.

Those who voted in the negative were: Messrs. Baker, Barker, Briggs, Brown of Steuben, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Edwins, Fancher, Faulkner, Galbraith, Hart, Humphreys, Huthsteiner, Kester, Kirkpatrick, Miers, Mitchell,

Nave, Overmyer, Reichelderfer, Robeson, Rooker, Schweitzer, Shanks, Shauck, Shields, Stevens, Stucker, Thornburg, Tulley, Van Valzah, Wimmer and Mr. Speaker—36.

The resolution was adopted.

Senate Concurrent Resolution No. 7, in relation to judgments and satisfaction.

Was read and adopted.

Senate Concurrent Resolution No. 2. A resolution requesting our Representatives in Congress to use their influence to procure the passage of the bill now pending before the United States Senate regulating interstate commerce, and that the Secretary of State be directed to forward our Senators in Washington a copy of this resolution.

Was adopted.

Engrossed Senate Bill No. 138, was read the second time and referred to the committee on county and township business.

Engrossed Senate Bill No. 58 was read the second time and referred to the committee on prisons.

Engrossed Senate Bill No. 30, was read the second time and referred to the committee on the judiciary.

Engrossed Senate bill No. 71 was read the second time and referred to the committee on the judiciary.

Engrossed Senate bill No. 101 was read the second time and referred to the committee on cities and towns.

Engrossed Senate bill No. 125 was read the second time and referred to the committee on the judiciary.

Engrossed Senate bill No. 192 was read the second time and referred to the committee on the judiciary.

Engrossed House bill No. 140 was read the third time and put upon its passage.

The question being, shall the bill pass?

Mr. Gordon moved the previous question.

Which was seconded.

The question recurring on the passage of the bill.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley,



Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Hart, Herod, Hess, Hopkins, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warlick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Willard, Wimmer, Works and Mr. Speaker—87.

Those who voted in the negative were: Messrs. Bears, Lindley and Watson—3.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

Mr. Briggs moved to amend by adding an emergency clause in title.

So ordered.

The Principal Clerk was ordered to inform the Senate thereof.

Engrossed House Bill No. 15 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Hart, Herod, Hopkins, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of

Lagrange, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Watson, Willard, Wimmer, Works and Mr. Speaker—86.

Mr. Lindley voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

So ordered.

The Principal Clerk was ordered to inform the Senate.

The committee on prisons was granted leave of absence, commencing next Monday morning, until Thursday morning.

Mr. Herod introduced the following resolution:

*Resolved by the House of Representatives (the Senate concurring therein),* That the action of the Doorkeeper of the House of Representatives in employing Thomas McDaniel to superintend the temperature, heating and ventilating of the House on the twelfth day of January, 1879, be and the same is hereby ratified and approved, and that until the pay of said McDaniel be fixed by law he shall be paid the sum of three dollars (\$3.00) per day from said twelfth day of January, 1879, and the Speaker of the House is hereby directed to draw his warrants for such pay.

Which was adopted.

Mr. Humphreys, from the committee on ways and means, submitted the following report, to-wit:

MR. SPEAKER:

Your committee on ways and means, to whom was referred the Governor's report of expenditures on account of his office for the years 1878 and 1879, have had the same under consideration and direct me to report the same back to the House, with the recommendation that three hundred copies be printed for the use of the House.

Which was concurred in.

Engrossed House Bill No. 14 was read the second time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown

of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, English, Fancher, Faulkner, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—88.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand for the act?

So ordered.

The Principal Clerk was ordered to inform the Senate.

The committee on education was granted leave of absence from Monday noon until Tuesday noon.

Mr. Major was granted leave of absence on account of sickness.

On motion of Mr. Owen the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

---

## FRIDAY MORNING.

FEBRUARY 7, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by the Hon. Mr. Snoddy, the member from Hendricks county.

The journal of yesterday was read in part, when, on motion of Mr. Schweitzer, the reading of the journal was dispensed with.



Mr. Scholl, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills beg leave to report that they have examined House bills Nos. 7, 35, 210, 364 and 133, and find them correctly engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 421, introduced by Mr. Connor, beg leave to report that they have had the same under consideration, and they recommend that section 8 be amended by striking out all after the words "first Tuesday in March, A. D. 1879," and inserting the following, to-wit: "And the Secretary of State is hereby authorized and required to procure and cause to be distributed to each of the sheriffs in the State, who shall distribute to the township trustees, a sufficient number of ballots for each township, not less in number than double the number of votes cast therein for Secretary of State at the last general election in October, 1878. Upon each of said ballots he shall cause to be accurately printed all of the said proposed constitutional amendments, which shall be numbered thereon in their order, such number being immediately above the proposed amendment to which it refers. Immediately below each of said proposed amendments there shall be printed the following words: "Upon the above proposed amendment, numbered —, (giving the proper number) I vote —, (leaving a blank space sufficient to write the words 'yes,' or 'no,' as the voter desires.") Each of said ballots shall have printed at the head, or top, the following words: "The proposed constitutional amendments. Each and every legally qualified voter may deposit one of said ballots in the ballot box at the polls at which he is legally entitled to vote, and such voter may vote for or against each of the proposed amendments by writing in the proper place the words 'yes,' or 'no,' as the case may be." The Governor shall issue his writ directed to the sheriff of each county, stating therein the cause and object of such election, and the day on which it is to be held; and each of the said sheriffs shall give ten days notice thereof by causing the said writ to be published in some newspaper of general circulation in his county, or, in case there is no such

newspaper, then by posting a notice thereof at the voting places in each township.

Your committee further recommend that section 5 be amended by inserting after the word amendments in line eleven the following words, to-wit: "or either of them," and by inserting after the word amendments in line twelve, the following words, to-wit: so adopted.

Which report was concurred in.

Mr. Overmyer moved that the bill be considered engrossed, read the third time, and put upon its passage.

On the adoption of the motion of Mr. Overmyer, Messrs. Overmyer and Lehman demanded the ayes and noes.

Mr. Willard moved the previous question.

Which was seconded.

The question recurring upon the motion of Mr. Overmyer.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vawter, Watson, Willard, Wimmer and Works—50.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garroutte, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Vanpelt, VanValzah and Mr. Speaker—46.

Which motion prevailed.

The bill No. 421 was read the third time and put upon its passage.

The question being, shall the bill pass?

Mr. Lehman moved the previous question.

Which was seconded.

The question recurring on the passage of the bill.

The roll was called.

Those voting in the affirmative were: Messrs. Arnold of Blackford, Arnold of Wabash, Bearss, Brown of Steuben, Bryant, Carter, Campbell, Carey, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Rodman, Robinson, Rooker, Saint, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer, Works and Mr. Speaker—48.

Those voting in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Perry, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah and Willard—46.

The bill failed to pass for the want of a constitutional majority.

Mr. Overmyer demanded a call of the House.

Which was taken.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Blackford, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—94.



Mr. Caldwell, from the committee on apportionment, made the following report on House bill No. 340:

MR. SPEAKER:

Your committee on apportionment to whom was referred House Bill No. 340, have had the same under consideration and report the same back with the following amendment, viz: Strike out all after line two in section 2, and in lieu thereof insert the following, and when so amended, the same do pass: .

1. Posey and Gibson, one Senator.
2. Vanderburg, one Senator.
3. Warrick and Pike, one Senator.
4. Spencer and Perry, one Senator.
5. Crawford, Harrison and Washington, one Senator.
6. Dubois, Orange and Martin, one Senator.
7. Floyd and Clark, one Senator.
8. Jefferson, one Senator.
9. Ripley, Switzerland and Ohio, one Senator.
10. Dearborn and Franklin, one Senator.
11. Jackson, Jennings and Scott, one Senator.
12. Brown, Monroe and Lawrence, one Senator.
13. Daviess and Greene, one Senator.
14. Knox and Sullivan, one Senator.
15. Vigo, one Senator.
16. Clay and Owen, one Senator.
17. Parke and Vermillion, one Senator.
18. Wayne, one Senator.
19. Randolph, one Senator.
20. Henry and Delaware, one Senator.
21. Grant and Madison, one Senator.
22. Howard and Miami, one Senator.
23. Boone and Clinton, one Senator.
24. Montgomery, one Senator.
25. Fountain and Warren, one Senator.
26. Tippecanoe, one Senator.
27. Benton, Newton and Jasper, one Senator.
28. Lake and Porter, one Senator.
29. Laporte, one Senator.
30. St. Joseph and Starke, one Senator.
31. Marshall and Fulton, one Senator.
32. Cass, one Senator.

33. Kosciusko and Wabash, one Senator.
34. Elkhart, one Senator.
35. Lagrange and Steuben, one Senator.
36. Noble and DeKalb, one Senator.
37. Allen, one Senator.
38. Allen and Whitley, one Senator.
39. Huntington and Wells, one Senator.
40. Adams, Jay and Blackford, one Senator.
41. Carroll, White and Pulaski, one Senator.
42. Marion, two Senators.
43. Marion, Shelby and Bartholomew, one Senator.
44. Hendricks and Putnam, one Senator.
45. Morgan and Johnson, one Senator.
46. Shelby and Hancock, one Senator.
47. Tipton and Hamilton, one Senator.
48. Bartholomew and Decatur, one Senator.
49. Rush, Fayette and Union, one Senator.

Section 3. That said Representatives shall be apportioned among the several counties as follows, to-wit:

1. Posey, one Representative.
2. Gibson, one Representative.
3. Vanderburg, two Representatives.
4. Warrick, one Representative.
5. Pike, one Representative.
6. Spencer, one Representative.
7. Perry, one Representative.
8. Crawford and Orange, one Representative.
9. Harrison, one Representative.
10. Washington, one Representative.
11. Dubois and Martin, one Representative.
12. Clark, one Representative.
13. Clark, Scott and Floyd, one Representative.
14. Floyd, one Representative.
15. Jefferson, one Representative.
16. Ripley, one Representative.
17. Switzerland and Ohio, one Representative.
18. Dearborn, one Representative.
19. Franklin, one Representative.
20. Franklin, Dearborn and Ripley, one Representative.
21. Jackson, one Representative.
22. Jennings, one Representative.

23. Monroe and Brown, one Representative.
24. Lawrence, one Representative.
25. Daviess, one Representative.
26. Greene, one Representative.
27. Knox, one Representative.
28. Sullivan, one Representative.
29. Knox, Sullivan and Greene, one Representative.
30. Vigo, two Representatives.
31. Clay, one Representative.
32. Owen, one Representative.
33. Parke, one Representative.
34. Vermillion and Warren, one Representative.
35. Wayne, two Representatives.
36. Randolph, one Representative.
37. Marion, five Representatives.
38. Hamilton, one Representative.
39. Hendricks, one Representative.
40. Morgan, one Representative.
41. Johnson, one Representative.
42. Shelby, one Representative.
43. Hancock, one Representative.
44. Bartholomew, Shelby and Marion, one Representative.
45. Madison, one Representative.
46. Madison and Tipton, one Representative.
47. Bartholomew, one Representative.
48. Decatur, one Representative.
49. Rush, one Representative.
50. Fayette and Union, one Representative.
51. Henry, one Representative.
52. Delaware and Henry, one Representative.
54. Grant, one Representative.
55. Wabash, one Representative.
56. Kosciusko and Wabash, one Representative.
57. Howard, one Representative.
58. Miami, one Representative.
59. Boone, one Representative.
60. Boone, Clinton and Montgomery, one Representative.
61. Clinton, one Representative.
62. Montgomery, one Representative.
63. Putnam, one Representative.
64. Putnam and Clay, one Representative.



65. Fountain, one Representative.
66. Tippecanoe, two Representatives.
67. Benton and White, one Representative.
68. Newton and Jasper, one Representative.
69. Lake, one Representative.
70. Porter, one Representative.
71. Laporte, one Representative.
72. Laporte and Starke, one Representative.
73. St. Joseph, one Representative.
74. St. Joseph and Marshal, one Representative.
75. Marshal, one Representative.
76. Fulton and Pulaski, one Representative.
77. Cass, one Representative.
78. Kosciusko, one Representative.
79. Elkhart, one Representative.
80. Elkhart, Noble and DeKalb, one Representative.
81. Lagrange and Steuben, one Representative.
82. Noble, one Representative.
83. DeKalb, one Representative.
84. Allen, two Representatives.
85. Whitley, one Representative.
86. Allen, Huntington and Grant, one Representative.
87. Huntington, one Representative.
88. Wells, Blackford and Adams, two Representatives.
89. Carroll, one Representative.
90. Jay, one Representative.

Section 4. Whereas, an emergency exists for the immediate taking effect of this act, it shall be in force from and after its passage.

On motion of Mr. Wimmer, the House adjourned until 2 o'clock P. M.

---

## AFTERNOON SESSION.

FEBRUARY 7, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

Messrs. Brown of Steuben, Stevens, Taylor of Lagrange, Barker, Huthsteiner, Garrouette, Robeson, Stucker, Hopkins, Messick, Cun-

ningham and Osborn of Vermillion were granted leave of absence until Tuesday morning.

Mr. Carter was granted leave of absence for the balance of the day.

The consideration of the report of the committee on apportionment, pending at adjournment, the same was resumed:

Mr. Humphreys moved for a call of the House.

So ordered.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—84.

Mr. Overmyer moved that the report of the committee do lay on the table.

Which was not agreed to.

Mr. Overmyer moved that the report be recommitted to the committee.

Mr. Thompson moved that the motion to recommit do lay on the table.

Which was agreed to.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill No. 207, by Mr. Lindley, entitled "An act prescribing the time and manner of electing supervisors and other matters pertaining thereto, and repealing all laws or parts of laws in conflict herewith," have

had the same under consideration and have directed me to report the same back to the House with recommendation that the same be referred to the committee on roads.

Which was concurred in.

On the motion to concur in the report of the committee on appointment, Messrs. Overmyer and Thayer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Davidson, Drake, Drover, Edwins, English, Faulkner, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Taylor of Daviess, Taylor of Warriek, Thompson, Tulley, Vanpelt, VanValzah and Mr. Speaker—43.

Those who voted in the negative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Cunningham, Dalton, Davis, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Mesick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Shanks, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Willard, Wimmer and Works—49.

The report was not concurred in.

House Bill No. 340. Read the second time.

Mr. Gordon moved to amend in line 5, by adding Daviess county.

Mr. Briggs moved to lay the motion on the table.

Which was agreed to.

Mr. Briggs moved to amend by substituting Washington county instead of Floyd, on line No. 7.

Mr. Willard moved to amend the motion of Mr. Briggs by striking out Floyd county.

Mr. Lindley moved to lay the motion of Mr. Willard on the table.

Which was agreed to.



Mr. Allen moved that the further consideration be postponed until next Wednesday.

Which was not agreed to.

The question recurring on Mr. Briggs' motion, substituting Washington county, instead of Floyd county, on line No. 7.

It was agreed to.

Mr. Briggs moved to strike out Washington county in line 9 and insert Floyd county.

Which was agreed to.

Mr. March offered the following amendment: Amend by striking from the 22d line Delaware, and insert Madison; strike from the 25th line Madison and insert Delaware.

Which was, on motion of Mr. Briggs, laid on the table.

Mr. Perry offered the following amendment:

Amend line thirty-one, by attaching Starke, so as to read Laporte and Starke, one Senator.

Which amendment was not adopted.

Mr. Briggs moved to amend in line thirty-three by striking out Starke county.

Which was agreed to.

Mr. Briggs moved to amend in line thirty-three by striking out Starke, and insert the word "and" between Marshall and Fulton.

Which was agreed to.

Mr. Hess offered the following amendment:

Amend section 2, line thirty-five, by striking out Wabash and inserting Whitley:

In line 40, section 2, strike out Whitley and insert Wells.

In line forty-one, section 2, strike out Wells and insert Wabash.

The question being upon the adoption of the amendment of Mr. Hess.

Messrs. Overmyer and Hess demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Willard—39.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Galbraith, Garroutte, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Saint, Scholl, Schweitzer, Shauck, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Wimmer, Works and Mr. Speaker—53.

The amendment was not agreed to.

Mr. Gordon moved to amend in line thirty-seven by striking out Steuben and inserting Noble.

The question being on the adoption of the amendment of Mr. Gordon, Messrs. Overmyer and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Cunningham, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Shanks, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Willard and Works—45.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Galbraith, Garroutte, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Saint, Schweitzer, Shauck, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Wimmer and Mr. Speaker—46.

The amendment was not agreed to.

Mr. Overmyer offered the following amendment:

Insert the word "Steuben" in lieu of the word "Noble" in line thirty-eight, page 2.

The question being on the amendment of Mr. Overmyer.

Messrs. Overmyer and Reed demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Blackford, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Cunningham, Davis, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Shanks, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Works—44.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Saint, Scholl, Schweitzer, Shauck, Shields, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer and Mr. Speaker—48.

The amendment was not adopted.

Mr. Gordon moved to amend in line forty-four by striking out "two" and inserting "three" Senators.

Which was not agreed to.

Mr. Gordon submitted the following amendment:

Amend by striking out "Shelby and Bartholomew," and add in lieu thereof, "Hendricks and Putnam."

Which amendment was not agreed to.

Mr. Gordon submitted the following amendment:

Amend by striking out ———, and add in lieu thereof, "Putnam, Hendricks and Hancock."

Which was not adopted.

Mr. Gordon submitted the following amendment:

Amend by adding to the district, Decatur.

Which was not adopted.

Mr. Briggs offered the following amendment:

Amend line fifteen by striking out "and," and inserting after the word Scott, the words "and Floyd," so as to read Clark, Scott and Floyd one Representative.

Which was adopted.



Mr. Briggs submitted the following amendment:

Amend line twenty-two by striking out "Bartholomew, Brown and Jackson," and inserting Franklin, Dearborn and Ripley one Representative.

Which was adopted.

Mr. Briggs offered the following amendment:

Amend line twenty-five by inserting the words "and Brown," after the word Monroe, so as to read Monroe and Brown one Representative.

Which was adopted.

Mr. Overmyer submitted the following amendment:

Amend by striking out the words Knox, Sullivan and Green in line thirty-one, page four, and insert in lieu thereof the word Steuben—also strike out the words "and Steuben," in line eighty-three, page six.

The question being on the amendment of Mr. Overmyer.

Messrs. Overmyer and Taylor, of Lagrange, demanded the ayes and noes.

The roll was called.

Those voting in the affirmative were: Messrs. Arnold of Blackford, Arnold of Wabash, Barker, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, English, Golden, Gordon, Harland, Herod, Hess, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robeson, Rodman, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—38.

Those voting in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Galbraith, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—52.

The amendment was not adopted.

Mr. Gordon submitted the following amendment:

Moved to amend by striking out line thirty-one, page 4.

The question being on the adoption of Mr. Gordon's amendment.

Messrs. Gordon and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robinson, Rodman, Shanks, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—36.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Galbraith, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schwinge, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—50.

The amendment was not adopted.

Mr. Golden was granted leave of absence until Monday.

Mr. Schweitzer was granted leave of absence until Tuesday.

Mr. Baker was granted leave of absence until Wednesday.

Mr. Skinner, Mr. Wimmer and Mr. Reichelderfer were granted leave of absence until Tuesday.

Mr. Davis was granted leave of absence until Monday.

Mr. Brown was granted leave of absence until Tuesday.

Mr. Taylor, of Daviess, offered the following amendment:

Amend section 3, line thirty-one so as to read, "Knox, Sullivan, Greene and Daviess, one Representative.

Which was adopted.

Mr. Owen submitted the following amendment:

Amend by striking out of line thirty-six the word "Vermillion," and insert "Benton" in place thereof.

The question being on the adoption of the amendment of Mr. Owen, Messrs. Owen and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Hess, Kelly, Lindley, Major, March, Messick, Overmyer, Owen, Perry, Robinson, Rodman, Shanks, Sleeth, Snoddy, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—33.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Galbraith, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—51.

The amendment was not adopted.

Mr. Gordon offered the following amendment:

Amend by striking out line 22, which gives one Representative to Dearborn, Ripley and Franklin; and line 46, giving Bartholomew, Shelby and Marion one Representative; and amend line 39 by striking out five and inserting six, so as to give Marion six Representatives.

The question being on the amendment of Mr. Gordon, Messrs. Overmyer and Gordon demanded the ayes and noes:

The roll was called.

Those who voted in the affirmative were: Messrs. Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Hess, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robinson, Rodman, Shanks, Sleeth, Snoddy, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Works—33.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Galbraith, Ginz, Handy, Hart, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Rooker, Saint, Scholl, Schweitzer, Shauck,



Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Vanpelt, VanValzah, Wimmer and Mr. Speaker—46.

The amendment was not adopted.

Mr. Owen moved for a call of the House.

So ordered.

The roll was called.

Those answering to their names were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Ginz, Golden, Gordon, Handy, Hart, Humphreys, Huthsteiner, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Sleeth, Snoddy, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Watson, Willard, Wimmer, Works and Mr. Speaker—78.

Mr. Herod was excused.

On motion further proceedings under the call were dispensed with.

Mr. Edwins submitted the following amendment:

Amend by striking out from line fifty-five "Delaware," and inserting "Madison and Tipton."

Mr. Lindley moved to amend the amendment by striking out Tipton.

Mr. Briggs moved to lay the amendment on the table.

Messrs. March and Lindley demanded the ayes and noes.

The question being on the motion to lay the amendment to the amendment on the table.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Galbraith, Ginz, Handy, Hart, Humphreys, Huthsteiner, Kester, Lehman, Major, Miers, Mitchell, Nave,

Osborn of Elkhart, Reed, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Sleeth, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Wimmer and Mr. Speaker—50.

Those who voted in the negative were: Messrs. Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Hess, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robinson, Rodman, Shanks, Snoddy, Thayer, Thornburg, Vawter, Watson, Willard and Works—30.

The amendment to the amendment was laid on the table.

Mr. March moved to amend the amendment by inserting Delaware county.

Mr. Briggs moved to lay the amendment to the amendment on the table.

Messrs. Gordon and March demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Galbraith, Ginz, Handy, Hart, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Wimmer and Mr. Speaker—46.

Those who voted in the negative were: Messrs. Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Hess, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robinson, Rodman, Shanks, Sleeth, Snoddy, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Willard—33.

The amendment to the amendment was laid on the table.

The question recurring on the amendment of Mr. Edwins.

Mr. Owen moved to lay the same on the table.

Messrs. Gordon and March demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Hess, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robinson, Rodman, Shanks, Sleeth, Snoddy, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—32.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Galbraith, Ginz, Handy, Hart, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—51.

The motion to lay on the table did not prevail.

Mr. Owen moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Hess, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Sleeth, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works, and Mr. Speaker—81.

Mr. Owen moved to adjourn, which was seconded by ten members.

The roll was called.

Those who voted in the affirmative were: Messrs. Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Kelly, Kirkpatrick, Lindley,



March, Overmyer, Owen, Reed, Robinson, Rodman, Rooker, Shanks, Sleeth, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Watson, Works—29.

Those who voted in the negative were: Messrs. Alden, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Galbraith, Ginz, Handy, Hart, Hess, Humphreys, Huthsteiner, Kester, Lehman, Major, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Saint, Scholl, Schweitzer, Shauck, Shields, Snoddy, Stucker, Taylor of Daviess, Thompson, Tulley, Vanpelt, Van Valzah, Vawter, Willard, Wimmer and Mr. Speaker—51.

The motion to adjourn did not prevail.

The question recurring on the amendment of Mr. Edwins.

The ayes and noes were demanded by ten members.

The roll was called.

Those voting in the affirmative were: Messrs. Alden, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Galbraith, Ginz, Handy, Hart, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Wimmer, Works and Mr. Speaker—48.

Those voting in the negative were: Messrs. Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Donnell, Fancher, Golden, Gordon, Hess, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Owen, Reed, Rodman, Robinson, Shanks, Sleeth, Snoddy, Thayer, Thornburg, Vawter, Watson and Willard—29.

The amendment was agreed to.

Mr. English offered the following amendment:

Strike out all after line fifty-five, page 5, and insert the following to-wit:

Grant, one Representative.

Wabash, one Representative.

Kosciusko and Wabash, one Representative.

Howard, one Representative.

Miami, one Representative.

Boone, one Representative.

Boone, Clinton and Montgomery, one Representative.

Clinton, one Representative.

Montgomery, one Representative.

Putnam, one Representative.

Putnam and Clay, one Representative.

Fountain, one Representative.

Tippecanoe, two Representatives.

Benton and White, one Representative.

Newton and Jasper, one Representative.

Lake, one Representative.

Porter, one Representative.

Laporte, one Representative.

Laporte and Starke, one Representative.

St. Joseph, one Representative.

St. Joseph and Marshall, one Representative.

Marshall, one Representative.

Fulton and Pulaski, one Representative.

Cass, one Representative.

Kosciusko, one Representative.

Elkhart, one Representative.

Elkhart, Noble and Dekalb, one Representative.

Lagrange and Steuben, one Representative.

Noble, one Representative.

DeKalb, one Representative.

Allen, two Representatives.

Whitley, one Representative.

Allen, Huntington and Grant, one Representative.

Huntington, one Representative.

Wells, Blackford and Adams, two Representatives.

Carroll, one Representative.

Jay, one Representative.

Section 4. Whereas an emergency exists for the immediate taking effect of this act, it shall be in force from and after its passage.

Mr. Humphreys demanded the previous question.

Which was seconded.

The ayes and noes were demanded by ten members.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Galbraith, Ginz, Handy, Hart, Humphreys, Huthsteiner, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Wimmer, Works and Mr. Speaker—49.

Those who voted in the negative were: Messrs. Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Hess, Kelly, Lindley, March, Messick, Overmyer, Reed, Robinson, Rodman, Shanks, Sleeth, Snoddy, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson—27.

The amendment was adopted.

Mr. Briggs moved that the bill be engrossed.

Which was agreed to.

Mr. Lehman moved that the House adjourn.

Which was agreed to.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## SATURDAY MORNING.

FEBRUARY 8, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Lehman, the further reading was dispensed with.

Mr. Scholl was granted leave of absence until Tuesday noon.

House Bill No. 458. Introduced by Mr. Donnell, entitled "A bill to limit the time of bringing action to recover real estate, or set aside conveyances purporting to be made by married women of unsound mind in certain cases."

Read the first time.



House Bill No. 459. Introduced by Mr. Reichelderfer, entitled "An act to legalize the acts of boards of commissioners of Allen county, and the acts of the common council of the city of Fort Wayne, in the annexation of certain lots, lands and territory to the limits of the city of Fort Wayne, in said county, and delaring an emergency."

Read the first time.

House Bill No. 460. Introduced by Mr. Reichelderfer, entitled, "An act to amend section 2 of an act entitled an act in relation to the laying out, opening, widening, altering and vacation of streets, alleys and highways, and for straightening or altering of water-courses by the cities of this State, and providing for the appointment of commissioners to assess benefits and damages, prescribing the duties of city officers in relation thereto, and providing remedies in such matters, approved March 18, 1875, and declaring an emergency."

Read the first time.

House Bill No. 461. Introduced by Mr. Campbell, entitled "A bill for an act regulating the practice of medicine."

Read the first time. .

House Bill No. 462. Introduced by Mr. Campbell, entitled "An act to repeal an act entitled an act to establish a superior court in the county of Cass, defining its jurisdiction, and providing for the election and compensation of the judge thereof, and other matters connected therewith, and declaring an emergency, approved March 3, 1877, and to create the 29th and 30th judicial circuits; fixing the times of holding the courts thereof, and repealing all laws inconsistent therewith."

Read the first time.

Mr. Carter offered the following resolution:

*Resolved*, That the committee on prisons be and they are hereby empowered and authorized to employ the services of Jonathan Thickston as bailiff of their committee to serve all processes issued by them under the order of the House, and that he shall have power to enforce every order of such committee.

Mr. Gordon offered the following amendment:

Amend by adding the following clause: And that said committee be directed and required to report to the House, before employing such person, the terms on which his services can be procured.

Which was adopted.

Mr. Miers offered the following amendment to the amendment:  
Amend by striking out the name of Jonathan Thickster and insert  
“some competent person.”

Which was adopted.

The question recurring on the resolution of Mr. Carter.

The same was not adopted.

Mr. Saint offered the following resolution:

*Resolved*, That the name of William B. Carter be added to the committee on investigation of the Southern Prison.

Mr. Saint moved to suspend the rules so the resolution can be acted upon.

Which was agreed to.

The question recurring upon the adoption of Mr. Saint's resolution, Mr. Tully moved to amend by requesting the Speaker to appoint another person with Mr. Carter on the prison committee, and make the same nine members.

Which amendment was accepted, and as accepted was adopted.

The Speaker appointed Mr. Willard.

House bill No. 463. Introduced by Mr. Hart, entitled “An act to exempt five hundred dollars' worth of property from taxation of all persons in the State over seventy years old, and repealing all laws in conflict therewith, and declaring an emergency.”

Read the first time.

Mr. March offered the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law for a method of settling the estates of decedents without the expense and delay incident to the granting of letters of administration and proceedings in court, and report by bill or otherwise.

Which was adopted.

House Bill No. 464. Introduced by Mr. March, entitled “A bill to amend the 2d and 3d sections of an act entitled an act defining who are persons of unsound mind, and authorizing the appointment of guardians for such persons, and prescribing their powers and duties.”

Read the first time.

House Bill No. 365. Introduced by Mr. Carey, entitled "An act to amend section 8 of an act entitled an act to prescribe certain powers and duties of county commissioners, township trustees, city councils, and trustees of towns in relation to elections, and prescribing certain powers and duties of inspectors and judges of elections, and penalties for frauds in the performance of their official duties; to prevent fraudulent and illegal voting; prescribing penalties for the violation of this act, and repealing an act entitled an act repealing sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21 and 22 of an act entitled an act to provide for the registration of voters and to declare their residence, and to prevent fraudulent practices touching elections; defining the duties of certain officers therein named, and the form of ballots, and providing compensation for the services of such officers, approved March 11, 1867, and prescribing further duties of the officers of elections, and providing for the appointment of the necessary officers and clerks for holding such elections, approved May 13, 1869."

Read the first time.

House Bill No. 466. Introduced by Mr. Carey, entitled "A bill authorizing and empowering the boards of commissioners of the several counties of this State to make appropriations for the relief of the citizens of their respective counties in certain cases therein named."

Read the first time.

House Bill No. 467. Introduced by Mr. Davidson, entitled "A bill to amend section 18 of an act entitled an act regulating descents and the apportionment of estates, approved May 14, 1852."

Read the first time.

Mr. Davidson presented a memorial from the Pioneer Association of Agriculture.

Which was, on motion, referred to the committee on education.

House Bill No. 468. Introduced by Mr. Humphreys, entitled "An act to cheapen the cost of text books, to prevent the too frequent changes in the same."

Read the first time.

House Bill No. 469. Introduced by Mr. Handy, entitled "An act to prohibit the sale or transfer of county orders, and prescribing penalties for violation thereof."

Read the first time.



House Bill No. 470. Introduced by Mr. Handy, entitled "An act defining certain rights of parties litigant, and some of the duties of the judges of circuit courts upon trials of causes; giving instruction to juries, and submitting special interrogatories to juries, signing bill of exceptions, limiting argument, adjourning courts, writing, reading and signing records, and declaring an emergency."

Read the first time.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in House resolution No. —, with certain amendments thereto, as follows: And the same is hereby returned to the House for further action thereon.

D. D. DALE, Secretary.

Amend the resolution by adding thereto the following:

*Resolved further*, That the action of the Senate in purchasing revised statutes for the use of the members thereof is also ratified, but the statutes shall be the property of the State, and the president of the Senate is authorized to draw his warrant for the same.

House Bill No. 471. Introduced by Mr. Lindley, entitled "An act to enable the owners of wet lands to drain and reclaim them when the same can not be done without effecting the lands of others, prescribing the powers and duties of county boards and auditors in the premises, and repealing all laws in conflict herewith."

Read the first time.

House Bill No. 472. Introduced by Mr. Lindley, entitled "An act fixing the number, and providing for the election and qualification of justices of the peace and constables, and defining the jurisdiction of such justices of the peace."

Read the first time.

Mr. Vanpelt presented a petition from sundry citizens.

Which was referred to the committee on benevolent institutions.

House Bill No. 473. Introduced by Mr. Vanpelt, entitled "An act to legalize errors and imperfections of description of macadamized and gravel roads in articles of associations of turnpike companies organized under the laws of the State of Indiana, and to legalize errors and imperfections in the written description of the

location of turnpike roads made by the boards of directors of turnpike companies."

Read the first time.

Mr. Hubbard presented a petition from citizens of Henry and Rush counties.

Which was referred to the committee on temperance.

House Bill No. 474. Introduced by Mr. Kirkpatrick, entitled "An act to amend the nineteenth section of an act entitled an act prescribing the powers of justices of the peace in state prosecutions, approved May the 29th, 1852."

Read the first time.

House Bill No. 475. Introduced by Mr. Kirkpatrick, entitled "An act to authorize the board of county commissioners of any county in this State to purchase land for use and the purpose of holding county fairs thereon, provided the title thereof shall be in the county and subject to the order of the commissioners."

Read the first time.

House Bill No. 476. Introduced by Mr. Lehman, entitled "An act to punish the embezzlement of railroad tickets."

Read the first time.

House Bill No. 477. Introduced by Mr. Lehman, entitled "An act to define and punish the crimes of burglary and housebreaking."

Read the first time.

House Bill No. 478. Introduced by Mr. Lehman, entitled "An act to amend the twenty-fourth section of an act entitled an act describing felonies and prescribing punishment therefor, approved June 10, 1852."

Read the first time.

Mr. Lehman offered the following resolution:

*Resolved*, That when the House adjourn it shall be until 2 o'clock P. M., Monday next.

Which was not adopted.

House Bill No. 479. Introduced by Mr. Vawter, entitled "An act to amend section 3 of an act entitled an act providing for the organization of county boards and prescribing some of their powers and duties, approved June 17, 1852."

Read the first time.

Mr. Rooker was excused until Monday morning.

Mr. Overmyer offered the following resolution :

*Resolved*, That the committee on ways and means be instructed to investigate and report upon matters connected with the building of the new insane asylum provided for by the act of March 11, 1875, so as to inform the House upon the following points:

First. How much money has now been spent in the crection of said new insane asylum.

Second. How much money will be required to complete said asylum.

Third. What was the original estimate as to the cost of said asylum made by the architect at the time the contract was let.

Fourth. What changes, if any, have been made in the original plan of said building which have increased the expense, and who is responsible for such change and for such increased expense of said building, and that said committee shall have power to send for persons and papers in making said investigation.

Which was adopted and referred to the committee on ways and means.

House Bill No. 480. Introduced by Mr. Overmyer, entitled "A bill to amend section 13 of an act entitled an act to establish and regulate ferries, approved June 17, 1852, defining a misdemeanor and providing a penalty."

Read the first time.

House Bill No. 481. Introduced by Mr. Thayer, entitled "An act to exempt a homestead in certain cases."

Read the first time.

Mr. Thayer presented a petition from the citizens of Marshall county.

Which was referred to the committee on temperance.

House Bill No. 482. Introduced by Mr. Fancher, entitled "An act prescribing what kind of judgment shall be rendered in civil actions to recover the value or injury done to trees or saplings; defining the duties of courts in such action, and to repeal all laws or parts of laws, and declaring an emergency."

Read the first time.

House Bill No. 483. Introduced by Mr. Edwins, entitled "An act to amend sections 647, 648 and 650 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at



law, and to provide for the administration of justice in a uniform mode of pleading and practice; without distinction between law and equity, approved June 18, 1852."

Read the first time.

House Bill No. 484. Introduced by Mr. Edwins, entitled "An act to prohibit school teachers from suspending or expelling scholars from the common schools, and providing penalties for violating the same."

Read the first time.

House Bill No. 485. Introduced by Mr. Saint, entitled "An act to amend sections 49 and 53 of an act entitled an act to provide for a uniform assessment of property and for the collection and return of taxes thereon, approved December 21, 1872."

Read the first time.

Mr. English presented the claim of Baker, Hord & Hendricks. Which was referred to the committee on claims.

House Bill No. 486. Introduced by Mr. English, entitled "An act to divide the State of Indiana into Congressional districts."

Read the first time.

Mr. Saint presented a petition from Congill & Bro.

Which was referred to the committee on drains and dikes.

House Bill No. 487. Introduced by Mr. Willard, entitled "An act for the vacation of public squares in certain cases, and providing for the disposition of lands comprising said square in case of vacation."

Read the first time.

House Bill No. 488. Introduced by Mr. Willard, entitled "An act to amend section 569 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Read the first time."

Mr. Connor presented a memorial from the State Board of Agriculture.

Which was referred to the committee on rights and privileges.

Mr. Johnston offered a memorial from the State Horticultural Society.

Which was referred to the committee on rights and privileges.

House Bill No. 489. Introduced by Mr. Robinson, entitled "An act to authorize the erection of county workhouses and to provide for the maintenance, control and management of the same; providing for commitments thereto, and repealing all conflicting laws.

Read the first time.

Mr. Gordon offered the following resolution:

*Resolved*, That the committee on the State prison be instructed to investigate and ascertain what was done with the money for which the old penitentiary at Jeffersonville was sold to John J. Cumming, a citizen of the county of Jackson, several years ago.

Which was adopted and referred to the committee on prisons.

On motion of Mr. Allen, the House adjourned until 2 o'clock.  
P. M.

## AFTERNOON SESSION.

FEBRUARY 8, 1879.

The House met pursuant to adjournment, with the speaker in the chair.

House Bill No. 490. Introduced by Mr. Stucker, entitled "An act to make additional provisions for changes of venue in superior, criminal and circuit courts."

• Read the first time.

House Bill No. 496. Introduced by Mr. Stucker, entitled "An act to explain and define the intent and meaning of the general act in relation to the distribution and use of the common school funds and to prevent their diversion and use for other purposes; prescribing penalties for a violation of this act, and repealing all conflicting laws."

Read the first time.

House Bill No. 492. Introduced by Mr. Stucker, entitled "An act to amend section 53 of an act entitled an act to provide for a uniform assessment of property and for the return and collection of taxes thereon, approved December 21, 1852, as a repealing and emergency clause."

Read the first time.

House Bill No. 493. Introduced by Mr. Reed, entitled "An act to prevent breachy animals from running at large or in enclosures surrounded or separated by partition fences either in whole or in part; making it a misdemeanor for the owner or owners thereof to allow the same to run at large or in such enclosures, and providing penalties therefor."

Read the first time.

House Bill No. 494. Introduced by Mr. Herod, entitled "A bill for the relief of Joel S. Davis, and authorizing the refunding to him of certain damages paid by him into the treasury of Bartholomew county to the credit of congressional township 8, west of range 6 east, for school purposes."

Read the first time.

Mr. Herod presented the claim of R. C. Arnold.

Which was referred to the committee on claims.

Mr. Miers presented the claim of the Masonic Savings Bank of Louisville, Kentucky.

Referred to the committee on claims.

House Bill No. 495. Introduced by Mr. Shauck, entitled "A bill to repeal an act entitled an act exempting certain lands therein described from taxation for general, city or town purposes, approved March 13, 1877."

Read the first time.

House Bill No. 496. Introduced by Mr. Osborn, of Elkhart, entitled "A bill for an act concerning decedents' estate."

Read the first time.

House Bill No. 497. Introduced by Mr. Osborn, of Elkhart, entitled "A bill for an act to amend an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform



mode of pleadings and practice, without distinction between law and equity, approved June 18, 1852."

Read the first time.

House Bill No. 498. Introduced by Mr. Osborn, of Elkhart, entitled "A bill for an act to amend an act entitled an act to amend the sixty-fifth and sixty-sixth sections of an act providing for the settlements of decedents' estates, prescribing their rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852, and supplemental thereto, approved February 20, 1855."

Read the first time.

House Bill No. 499. Introduced by Mr. Osborn, of Elkhart, entitled "A bill for an act to amend an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852."

Read the first time.

Mr. Osborn, of Elkhart, introduced the following resolution;

*Resolved*, In view of the condition of the business of this House, and the interruption to the business, occasioned by excusing members in order to enable them to go home on Saturday and return the Monday following, which in effect gives us but four days in the week for the transaction of business, that no further excuses shall be granted except in special cases of severe illness or death, and any member asking leave of absence shall state in writing the cause for which he asks such leave of absence.

Which resolution was adopted.

House Bill No. 500. Introduced by Mr. Works, entitled "An act to amend sections 51, 66 and 67 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852."

Read the first time.

House Bill No. 501. Introduced by Mr. Allen, entitled "An act to repeal sections 1, 2 and 3 of an act entitled an act supplementary

of an act to provide for a uniform assessment of property and of the collection and return of taxes thereon, approved December 2, 1872, amended March 13, 1875."

Read the first time.

House Bill No. 502. Introduced by Mr. Allen, entitled "An act to amend section 1 of an act entitled an act exempting certain lands therein described from taxation for general, city or town purposes, approved March 13, 1877, and declaring an emergency."

Read the first time.

House Bill No. 503. Introduced by Mr. Blockley, entitled "A bill prohibiting certain animals from running at large in this State; providing remedies for damages done; prescribing the duties of certain officials, and excepting railroads and railway companies from the provisions of this act."

Read the first time.

House Bill No. 504. Introduced by Mr. Stucker, entitled "An act to authorize the Governor to appoint the Directors of the Northern and Southern State Prisons, the Commissioners for the Hospital for the Insane, the Trustees of the Indiana Soldiers' and Seamen's Home, the Trustees of the Asylum for the Blind, the Trustees of the Institute for the Deaf and Dumb, and a President of the Boards of Benevolent Institutions of the State."

Read the first time.

House Bill No. 505. Introduced by Mr. Stucker, entitled "An act to protect the purity, honesty and freedom of the elective franchise; to aid the people to control fair and honest elections; to define violations of the election laws; to prescribe penalties and punishments therefor; to provide means of obtaining testimony in such cases; to add a new clause to official oaths, and to repeal all conflicting laws."

Read the first time.

House Bill No. 506. Introduced by Mr. Kelly, entitled "An act regulating loans of congressional township school funds so as to prevent county officers from taking separate mortgages for each fund where the fund loaned is made up of funds from one township."

Read the first time.

House Bill No. 507. Introduced by Mr. Kelly, entitled "An act requiring guardians, administrators and executors to file with the treasurer receipts for all taxes, including the current year's taxes, before being discharged."

Read the first time.

The following resolution was submitted by Mr. Sleeth:

WHEREAS, The State of Indiana has now invested in the property of the State Agricultural Society \$25,000; and

WHEREAS, It is now well understood that said society is not able to pay the interest on its indebtedness, and will, at this session, ask an appropriation of money to pay such interest, and, in the event of non-payment of such interest, the liens prior to that of the State, amounting to more than \$60,000, will be foreclosed and the property sold for the payment of the same; therefore

*Resolved*, That the Attorney General be and is hereby instructed to investigate the matter and report to this House what, if any, legislation is necessary to protect the interests of the State.

Mr. Shanks offered the following amendment:

And make a full statement of the facts.

Which was accepted.

And the resolution, as amended, was adopted.

House Bill No. 508. Introduced by Mr. Kester, entitled "An act to legalize sales of lands made to satisfy mortgages to the school fund in certain cases, and declaring an emergency."

Read the first time.

House Bill No. 509. Introduced by Mr. Van Valzah, entitled "An act to provide for the redemption of property of foreign corporations, after the same has been sold for taxes by any city, town or county treasurer of the State of Indiana."

Read the first time.

House Bill No. 510. Introduced by Mr. Messick, entitled "An act regulating the number of hours per day that convicts in the State prisons may be required to work, and prohibiting them from doing any extra work, and making it the duty of the Warden to see that the same is enforced, and declaring a misdemeanor for the violation thereof."

Read the first time.



House Bill No. 511. Introduced by Mr. Taylor, of Warriek, entitled "An act to fix the time of holding courts in the second judicial circuit of the State of Indiana, prescribing the length of terms thereof, repealing all laws in conflict therewith, and declaring an emergency."

Read the first time.

House Bill No. 512. Introduced by Mr. Tulley, entitled "An act defining the manner in which certain lands and other property within the limits of the city or incorporated town may be taxed for corporation purposes."

Read the first time.

House Bill No. 513. Introduced by Mr. Tulley, entitled "A bill to provide for redistricting incorporated towns, and providing the manner of electing officers thereof, and prescribing their duties and powers to incorporated towns, and providing the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, and declaring an emergency."

Read the first time.

House Bill No. 514. Introduced by Mr. Tulley, entitled "An act to amend sections 26 and 61 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such matters as properly pertain thereto, approved March 14, 1867."

Read the first time.

House Bill No. 515. Introduced by Mr. Tulley, entitled "A bill to legalize a certain contract heretofore made and entered into on the 12th day of March, 1870, by and between the board of county commissioners of White county, Indiana, and William S. Hammond, H. P. Anderson and Lucius Price, school trustees of the town of Monticello, in White county, Indiana, and legalizing the acts of the county auditor, and county treasurer of said county in issuing orders and paying the same under said contract."

Read the first time.

Mr. Tulley submitted the following resolution:

*Resolved*, That the committee on county and township business be and they are hereby instructed to inquire into the necessity of transferring the duty now devolving upon township trustees of taking the enumeration of the respective townships of the State of

Indiana for school purposes, and any other enumeration required, to the township assessors of such townships to be taken at the time of the assessment of personal property, and by that means save to the tax payers of the State of Indiana many thousands of dollars, and whether the law should not be so amended, and that they report by bill or otherwise.

Read and adopted, and referred to the committee on county and township business.

Mr. Harland presented a petition from the citizens of Wayne county.

Which was referred to the committee on temperance.

Mr. Thornburg presented a petition from the citizens of Wayne county.

Which was referred to the committee on temperance.

House Bill No. 516. Introduced by Mr. Willard, entitled "A bill to amend section 1 of an act entitled an act to amend sections 1 and 3 of an act to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location, approved March 2, 1855, and to amend section 1 of an act amendatory of said act, approved December 18, 1865, and to provide for the appointment of commissioners, approved February 24, 1869."

Read the first time.

House Bill No. 517. Introduced by Mr. Watson, entitled "An act defining the crime of abortion or miscarriage; fixing a penalty therefor; repealing all former laws upon the same subject, and declaring an emergency."

Read the first time.

House Bill No. 518. Introduced by Mr. Watson, entitled "An act supplemental to an act entitled an act regulating the granting of divorces, nullification of marriages and decrees, and orders of courts incident thereto, and repealing all laws in conflict with this act, and declaring an emergency, approved March 10, 1873; and providing for granting divorces in certain cases, and declaring an emergency."

Read the first time.

House Bill No. 519. Introduced by Mr. Watson, entitled "An act to amend the ninth section of an act entitled an act to authorize and regulate the incorporation of banks of discount and deposit in the State of Indiana, approved February 7, 1873, and declaring an emergency."

Read the first time.

Mr. Hubbard presented a memorial from the Western Yearly Meeting of Friends,

Which was read and referred to the committee on prisons.

House Bill No. 520. Introduced by Mr. Saint, entitled "An act providing that the concurrence and agreement of nine members of a jury shall be sufficient to enable them to return a verdict in the trial of all criminal and civil causes in this State; providing the manner of polling the jury, and repealing all laws in conflict herewith."

Read the first time.

House Bill No. 392. Introduced by Mr. Reichelderfer, was read the second time, and referred to the Committee on military affairs.

House Bill No. 455. Introduced by Mr. Handy, was read the second time and ordered engrossed.

House Bill No. 437. Introduced by Mr. Baker, was read the second time and referred to the committee on county and township business.

House Bill No. 456. Introduced by Mr. Handy, was read the second time and referred to the committee on roads.

House Bill No. 415. Introduced by Mr. Shields, was read the second time and referred to the committee on temperance.

House Bill No. 447. Introduced by Mr. Garrouette, was read the second time and referred to the committee on county and township business.

House Bill No. 336. Introduced by Mr. Carter, was read the second time and referred to the committee on fees and salaries.

House Bill No. 448. Introduced by Mr. Briggs, was read the second time and referred to the committee on rights and privileges.

House Bill No. 449. Introduced by Mr. English, was read the second time and referred to the committee on affairs of the city of Indianapolis.

House Bill No. 458. Introduced by Mr. Fancher, was read the second time and referred to the committee on the organization of courts.

House Bill No. 451. Introduced by Mr. Brown, of Steuben, was read the second time and referred to the committee on county and township business.



House Bill No. 452. Introduced by Mr. Saint, was read the second time and referred to the committee on apportionment.

House Bill No. 453. Introduced by the committee on elections, was read the second time and ordered engrossed.

Mr. Herod submitted the following resolution :

*Resolved*, That the committee on prisons be and it is hereby empowered and authorized to employ a bailiff for the use of said committee in serving any and all process of said committee under the order of the House, and that such bailiff shall have power to enforce any and all process issued by such committee, and to allow such bailiff a reasonable compensation for such services.

Mr. Sleeth offered the following amendment :

Amend by adding the authority to employ an expert in book-keeping, if they shall deem the same necessary for the interests of the State.

Amendment accepted and resolution, as amended, adopted.

Mr. Edwins moved that House bill No. 215 be taken from the table and referred to the committee on rights and privileges.

Which was agreed to.

House Bill No. 521. Introduced by Mr. Sleeth, "A bill for an act applying the doctrine and rules of estoppel, as established, known and practiced under the common law, to married women and minors of the years of discretion."

Read the first time.

House Bill No. 522. Introduced by Mr. Mitchell, entitled "An act for the better security of the public funds."

Read the first time.

House Bill No. 523. Introduced by Mr. Mitchell, entitled "An act declaring agreements to pay attorneys' fees contained in any bill of exchange, acceptance, draft, promissory note or other written evidence of indebtedness, illegal and void, and declaring an emergency."

Read the first time.

House Bill No. 524. Introduced by Mr. March, entitled "An act to amend the ninety-sixth section of an act entitled an act to

revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852."

Read the first time.

On motion of Mr. Copeland, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## MONDAY MORNING.

FEBRUARY 10, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

House Bill No. 525. Introduced by Mr. Miers, entitled "An act to amend sections 2, 3, 5, 11, 16 and 26 of an act entitled an act fixing the fees, salaries, duties and compensation of the officers therein named; prohibiting the violations of its provisions, and repealing certain laws."

Read the first time.

House Bill No. 526. Introduced by Mr. Faulkner, entitled "An act to amend the eighth and forty-sixth sections of an act entitled an act to divide the State into circuits for judicial purposes; fixing the time of holding courts therein, approved March 6, 1873, and what counties shall constitute the seventh judicial circuits, and fixing the times of holding courts therein."

Read the first time.

Mr. Faulkner presented a petition from the citizens of Ripley county.

Which was referred to the committee on temperance.

Mr. Faulkner submitted the following resolution, to-wit:

MR. SPEAKER:

I move that the committee on the judiciary be instructed to report back to the House, House bill No. 347, with or without amendments, and with such recommendations touching the same as they

shall deem just and proper in order that the House may have an opportunity to consider and pass upon the provisions thereof.

Which was adopted.

House Bill No. 527. Introduced by Mr. Cauthorn, entitled "A bill for an act for the relief of John W. Starner, administrator of the estate of Thomas F. Chambers, deceased, Daniel P. Hollingsworth, John W. Robbins and Herman H. Wagner, and declaring an emergency."

Read the first time.

House Bill No. 528. Introduced by Mr. Miers, entitled "An act to amend section 1 of an act entitled an act to define what shall be the salary of the Governor, the manner of paying the same, repealing all laws upon the same subject, and fixing the time when it shall take effect."

Read the first time.

Mr. Ginz presented the claim of E. W. Carter.

Which was referred to the committee on claims.

House Bill No. 529. Introduced by Mr. Perry, entitled "An act to provide for the re-appraisement and sale of land forfeited to the various school funds of this State and prescribing the duties of county auditors in connection therewith."

Read the first time.

House Bill No. 530. Introduced by Mr. Connor, entitled "A bill for an act to prevent the sale of spirituous, vinous and malt liquors on fair grounds."

Read the first time.

House Bill No. 531. Introduced by Mr. Connor, entitled "A bill for an act entitled an act to amend an act to encourage agriculture and agricultural fairs by the purchase of fair grounds, approved March 8, 1873."

Read the first time.

House Bill No. 532. Introduced by Mr. Gordon, entitled "A bill for an act to amend section 3 of an act entitled act to render taxation for common school purposes uniform and provide for the education of colored children of the State, approved May 13, 1869, as amended by an act entitled an act to amend section 3 of an act entitled an act to render taxation for common school purposes uni-



form and to provide for the education of the colored children of the State, approved May 13, 1869, approved March 5, 1877."

Read the first time.

Mr. Lehman presented a petition from the citizens of Johnson county on the subject of temperance.

Which was referred to the committee on temperance.

House Bill No. 533. Introduced by Mr. Gordon, entitled "An act to amend section 573 of an act entitled an act to revise, simplify and abridge the rules, practice and pleadings in civil cases in this State; to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852."

Read the first time.

House Bill No. 534. Introduced by Mr. Gordon, entitled "A bill for an act to provide for taking the sense of the qualified voters of this State upon calling a convention to revise, alter and amend the constitution of the State."

Read the first time.

House Bill No. 535. Introduced by Mr. Gordon, entitled "An act to regulate the practice of medicine, midwifery and surgery, and prescribing penalties for the violation thereof."

Read the first time.

Mr. Gordon submitted the following House joint resolution No. 19:

A joint resolution requesting the Senators and Representatives of this State in the Congress of the United States to use their influence and ability in procuring the passage of an act to prohibit the holding of the offices of clerk of the District Court and Circuit Court of the United States in the same district by the same person, and to prevent any clerk of any such District Court or Circuit Court of the United States from holding the office or appointment of master in chancery or master commissioner in any matter pending in either of said courts or under the appointment of the judge or judges of either of said courts.

*Resolved by the House of Representatives, (the Senate concurring therein),* That our Senators and Representatives in Congress be and the same are hereby respectfully requested to use their influence and ability to secure the passage of an act which shall effectually prohibit the conferring upon the same person the office of clerk of the

District Court and that of clerk of the Circuit Court in any district of the United States, and which shall effectually prohibit any Circuit or District Court of the United States or judge thereof from appointing any clerk of either of said courts to the office or trust of master in chancery or master commissioner in any matter pending in either of said courts, and providing that said several appointments and offices shall in no case be held or exercised by the same incumbent.

Read and referred to the committee on federal relations.

House Bill No. 536. Introduced by Mr. Willard, entitled "An act to create a bureau of statistics of labor, and declaring an emergency."

Read the first time.

House Bill No. 537. Introduced by Mr. Willard, entitled "An act to amend section 13 of an act entitled an act providing for the organization of circuit courts, the election of judges thereof, and defining their powers and duties, approved June 1, 1852."

Read the first time.

Mr. Willard presented a petition from the citizens of Marion county.

Which was referred to the committee on apportionment.

Mr. Shanks submitted the following resolution, to-wit:

WHEREAS, The following facts are true:

First. The State of Indiana is entirely without a State House, or convenient place for the General Assembly to meet.

Second. That the State is paying rent for necessary rooms in which to transact its business.

Third. That the State has already determined to build a new State House and has commenced the same.

Fourth. That material for the construction, finishing and furnishing of such a building are cheaper now than we can reasonably expect or desire that they should remain.

Fifth. That all buildings are in this climate liable to injury from exposure if delayed in their construction after commencement.

Sixth. That the people are not prepared to meet in a brief time the necessary tax for the construction of the State House; therefore be it

*Resolved*, That the committee on ways and means be hereby instructed to inquire into the expediency of providing by law for

the issue of bonds of the State, bearing a rate of interest not exceeding five per cent. per annum, payable by installments fixed at times to meet the incoming revenue from taxes levied and to be levied for the purpose of building said State House ; said bonds to be sold at not less than par ; to be sold by the State officers, and without commission, and the proceeds thereof to be applied to the construction of the new State House, and for no other purpose whatsoever.

Which was read and referred to the committee on ways and means.

House Bill No. 457. Introduced by Mr. Reed, was read the second time and referred to the committee on the organization of courts.

House Bill No. 458. Introduced by Mr. Donnell, was read the second time and referred to the committee on the judiciary.

House Bill No. 459. Introduced by Mr. Reichelderfer, was read the second time and referred to the committee on cities and towns.

House Bill No. 460. Introduced by Mr. Reichelderfer, was read the second time and referred to the committee on cities and towns.

House Bill No. 461. Introduced by Mr. Campbell, was read the second time and referred to the committee on sanitary affairs.

House Bill No. 462. Introduced by Mr. Campbell, was read the second time and referred to the committee on the organization of courts.

House Bill No. 463. Introduced by Mr. Hart, was read the second time and referred to the committee on rights and privileges.

House Bill No. 464. Introduced by Mr. March, was read the second time and referred to the committee on the judiciary.

House Bill No. 465. Introduced by Mr. Carey, was read the second time and referred to the committee on cities and towns.

House Bill No. 466. Introduced by Mr. Carey, was read the second time and referred to the committee on county and township business.

House Bill No. 467. Introduced by Mr. Davidson, was read the second time.

Mr. Herod offered the following amendment to House bill No. 467:



*And provided further,* That in case there be no child, or children, or their descendants, by the marriage in virtue of which such real estate came to such widow, she may, during such second or subsequent marriage by her second or subsequent husband joining in the conveyance thereof, alienate such real estate in fee simple.

On motion the bill and pending amendment were referred to the committee on the judiciary.

House Bill No. 468. Introduced by Mr. Humphreys, was read the second time and referred to a select committee of five.

The Speaker appointed the following committee: Messrs. Connor, Humphreys, Miers, Dailey and Shanks.

House Bill No. 469. Introduced by Mr. Handy, was read the second time and referred to the committee on county and township business.

House Bill No. 470. Introduced by Mr. Handy, was read the second time and referred to the committee on the judiciary.

House Bill No. 471. Introduced by Mr. Lindley, was read the second time and referred to the committee on drains and dykes.

House Bill No. 472. Introduced by Mr. Lindley, was read the second time and referred to the committee on the organization of courts.

House Bill No. 473. Introduced by Mr. Vanpelt, was read the second time and referred to the committee on roads.

House Bill No. 474. Introduced by Mr. Kirkpatrick, was read the second time and referred to the committee on the judiciary.

House Bill No. 475. Introduced by Mr. Kirkpatrick, was read the second time and referred to the committee on agriculture.

House Bill No. 476. Introduced by Mr. Lehman, was read the second time and referred to the committee on railroads.

House Bill No. 477. Introduced by Mr. Lehman, was read the second time and referred to the committee on the judiciary.

House Bill No. 478. Introduced by Mr. Lehman, was read the second time and referred to the committee on the judiciary.

House Bill No. 479. Introduced by Mr. Vawter, was read the second time and referred to the committee on county and township business.

House Bill No. 480. Introduced by Mr. Overmyer, was read the second time and referred to the committee on roads.

House Bill No. 481. Introduced by Mr. Thayer, was read the second time and referred to the committee on rights and privileges.

House Bill No. 482. Introduced by Mr. Fancher, was read the second time and referred to the committee on agriculture.

House Bill No. 483. Introduced by Mr. Edwins, was read the second time and referred to the committee on the judiciary.

House Bill No. 484. Introduced by Mr. Edwins, was read the second time and referred to the committee on education.

House Bill No. 485. Introduced by Mr. Saint, was read the second time and referred to the committee on ways and means.

House Bill No. 486. Introduced by Mr. English, was read the second time and referred to the committee on apportionment.

House Bill No. 487. Introduced by Mr. Willard, was read the second time and referred to the committee on county and township business.

House Bill No. 488. Introduced by Mr. Willard, was read the second time and referred to the committee on agriculture.

House Bill No. 489. Introduced by Mr. Robinson, was read the second time and referred to the committee on county and township business.

House Bill No. 490. Introduced by Mr. Stucker, was read the second time and referred to the committee on the judiciary.

House Bill No. 491. Introduced by Mr. Stucker, was read the second time and referred to the committee on education.

House Bill No. 492. Introduced by Mr. Stucker, was read the second time and referred to the committee on ways and means.

House Bill No. 493. Introduced by Mr. Reed, was read the second time and referred to the committee on agriculture.

House Bill No. 494. Introduced by Mr. Herod, was read the second time and referred to the committee on claims.

House Bill No. 495. Introduced by Mr. Shauck, was read the second time and referred to the committee on cities and towns.

House Bill No. 496. Introduced by Mr. Osborn, of Elkhart, was read the second time and ordered to be engrossed.

House Bill No. 497. Introduced by Mr. Osborn, of Elkhart, was read the second time and ordered to be engrossed.

House Bill No. 498. Introduced by Mr. Osborn, of Elkhart, was read the second time and ordered to be engrossed.

House Bill No. 499. Introduced by Mr. Osborn, of Elkhart, was read the second time and referred to the committee on the judiciary.

House Bill No. 500. Introduced by Mr. Works, was read the second time and referred to the committee on the judiciary.

House Bill No. 501. Introduced by Mr. Allen, was read the second time and referred to the committee on ways and means.

House Bill No. 502. Introduced by Mr. Allen, was read the second time and referred to the committee on cities and towns.

House Bill No. 503. Introduced by Mr. Blockley, was read the second time and referred to the committee on county and township business.

House Bill No. 504. Introduced by Mr. Stucker, was read the second time and referred to the committee on the judiciary.

House Bill No. 505. Introduced by Mr. Stucker, was read the second time and referred to the committee on the judiciary.

House Bill No. 506. Introduced by Mr. Kelly, was read the second time and referred to the committee on education.

House Bill No. 507. Introduced by Mr. Kelly, was read the second time and referred to the committee on the judiciary.

House Bill No. 508. Introduced by Mr. Kester, was read the second time and referred to the committee on the judiciary.

House Bill No. 509. Introduced by Mr. Van Valzah, was read the second time and referred to the committee on corporations.

House Bill No. 510. Introduced by Mr. Messick, was read the second time and referred to the committee on prisons.

House Bill No. 511. Introduced by Mr. Taylor, of Warrick, was read the second time and referred to the committee on the organization of courts.

House Bill No. 512. Introduced by Mr. Tulley, was read the second time and referred to the committee on cities and towns.

House Bill No. 513. Introduced by Mr. Tulley, was read the second time and referred to the committee on cities and towns.



House Bill No. 514. Introduced by Mr. Tulley, was read the second time and referred to the committee on cities and towns.

House Bill No. 515. Introduced by Mr. Tulley, was read the second time and referred to the committee on fees and salaries.

House Bill No. 516. Introduced by Mr. Willard was read the second time and referred to the committee on county and township business.

House Bill No. 517. Introduced by Mr. Watson, was read the second time and referred to the committee on the judiciary.

House Bill No. 518. Introduced by Mr. Watson, was read the second time and referred to the committee on the judiciary.

House Bill No. 519. Introduced by Mr. Watson, was read the second time and referred to the committee on banks.

House Bill No. 520. Introduced by Mr. Saint, was read the second time and referred to the committee on the judiciary.

House Bill No. 521. Introduced by Mr. Sleeth, was read the second time and referred to the committee on the judiciary.

House Bill No. 522. Introduced by Mr. Mitchell, was read the second time and referred to the committee on county and township business.

House Bill No. 523. Introduced by Mr. Mitchell, was read the second time and referred to the committee on the judiciary.

House Bill No. 524. Introduced by Mr. March, was read the second time and referred to the committee on the judiciary.

House Bill No. 538. Introduced by Mr. Herod, entitled "A bill for an act supplemental to an act entitled an act providing for a general system of common schools in all cities of thirty thousand or more inhabitants and for the election of a board of school commissioners for such cities and defining their duties and prescribing their powers and providing for common school libraries within such cities."

Read the first time.

House Bill No. 539. Introduced by Mr. Herod, entitled "An act to amend the fifth section of an act entitled an act authorizing the appointment of short hand reporters for certain courts of record

in this State (containing a population of 70,000 or more) prescribing the duties and compensation of such reporters.”

Read the first time.

On motion of Mr. Dalton the House adjourned until two o'clock P. M.

---

## AFTERNOON SESSION.

FEBRUARY 10, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The Journal of yesterday was read in part when on motion of Mr. Lehman further reading was dispensed with.

Mr. Lehman offered the following resolution:

WHEREAS, Nearly five weeks have elapsed since His Excellency, Governor Williams, has delivered his message; and

WHEREAS, The German copies of his message, ordered by the House, have not as yet reached the members of this Assembly; therefore

*Resolved*, That the superintendent of the bureau of public printing is hereby called upon to give to the House at once the reasons for this long and seemingly unnecessary delay.

Which was adopted.

Mr. Handy presented a petition from the citizens of Hancock county.

Which was referred to the committee on fees and salaries.

House Bill No. 540. Introduced by Mr. Briggs, entitled “An act to amend section 18 of an act entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1853.”

Read the first time.

House Bill No. 541. Introduced by Mr. Bearss, entitled “An act to prescribe rules of evidence in elections; to set aside conveyance of real estate on the ground of fraud, repealing all laws in conflict therewith and declaring an emergency.”

Read the first time.

Mr. Shields submitted a petition from the citizens of Jackson county in reference to temperance.

Which was referred to the committee on temperance.

On motion of Mr. Willard, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## TUESDAY MORNING.

FEBRUARY 11, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Mr. Snoddy, the member from Hendricks.

The Journal of yesterday was read in part, when, on motion of Mr. Hess, the further reading was dispensed with.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 386, have had the same under consideration, and a majority of said committee have directed me to report the same back, with a recommendation that it do pass.

Report concurred in and House bill No. 386 ordered engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

I am directed by the committee on cities and towns to report to the House that the committee have had under consideration House bill No. 12, introduced by Mr. Shields, to legalize the incorporation of the city of Seymour, and that they recommend that the bill do pass.

Report concurred in and the bill ordered engrossed.



Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

I am directed by the committee on cities and towns to report that said committee have had under consideration House bill No. 402, introduced by Mr. Allen, and have directed me to report the same back, with the recommendation that the bill do pass.

Report concurred in and House bill No. 402 ordered engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 45, entitled "an act to legalize assessments," have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill be indefinitely postponed.

Which report was concurred in.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 245, "an act defining the powers and duties of boards of trustees of incorporated towns," have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 192, entitled "an act to legalize the incorporation of the town of Butler, DeKalb county, in the State of Indiana, and to legalize each and every official act of the several boards of trustees of said town, and all official acts of each and every officer of said town and other matters," have had the same under consideration and direct me to report the bill back, with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report, to-wit:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 202, entitled "an act authorizing incorporated towns to exact a license for the sale of spiritous, vinous and malt liquors within such town, and declaring an emergency," have examined the same and directed me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered to be engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 222, "an act authorizing incorporated towns to require a license for the sale of intoxicating liquor," have had the same under consideration and directed me to report the same back to the House, with the recommendation that it be indefinitely postponed, for the reason that a similar bill has been favorably recommended.

Report concurred in.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 326, entitled "an act to exempt certain lands," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 261, "an act in relation to fences and hedges along public highways," have had the same under consideration and recommend the insertion of the following amendment:

*"Provided, That such protection fences shall be so constructed as not in any way to interfere with the free use and travel of the public highway or the free passage of the water in the side ditches thereof."*

On the last line of the first section strike out the word "seven" and insert the word "five."

With the above amendments I am directed to recommend that the bill do pass.

Report and amendments concurred in and the bill ordered engrossed.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 317, entitled "an act in relation to plank, gravel and turnpike gravel road companies," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Stucker, from the committee on roads, submitted the following report, to-wit:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 64, entitled "an act to provide for working, repairing and preserving the public highways, providing means for the same, abolishing the office of supervisor of highways, prescribing the duties of township trustees and other officers, and repealing all laws inconsistent therewith," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Garrouette, from the committee on printing, submitted the following report:

MR. SPEAKER:

Your committee on printing, to whom was referred the resolution of inquiry relative to the cost of printing House bills, have had the subject under consideration and have directed me to make the following report thereon:

The printing of the bills on the ordinary paper used for newspaper prints will cost from 12 to 15 per cent. less than the House is now paying, but such paper is not suitable for the purpose of erasure, revision or amendment thereon, and your committee are there-



for of the opinion that it is inexpedient to change the present manner of printing the bills of the House.

On motion of Mr. Lehman the report was referred to the special committee on printing.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill 243, "a bill defining the duties of county commissioners in reference to appointment of inspectors of elections," have had the same under consideration, and recommend that section 3 of said bill be stricken out, and when so amended your committee recommend that said bill do pass.

Report concurred in, and bill No. 243 ordered engrossed.

Mr. Dailey, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred the papers, affidavits, depositions and documents in the contested election case of William B. Seward vs. Robert W. Miers, have had the same under consideration, and have given the matter due and deliberate thought, and have arrived at the following conclusion:

This contest is based wholly upon the alleged ground that the contestant, Miers, is ineligible to a seat in the General Assembly by reason of the fact that he was at the time of his election to the House of Representatives a prosecuting attorney of the tenth judicial circuit of this State.

There is no claim or pretense that Mr. Miers was not the choice of his representative district, or that he did not receive an honest plurality of all the votes cast by his constituents. In fact, the statement and certificate of the board of canvassers of the county of Monroe of the election held on the second Tuesday of October, 1878, containing the names of the persons voted for for Representative from said county to this House, is made a part of a deposition taken in behalf of the contestor Seward, and is marked exhibit "A," and by reference to it we ascertain that one John W. Harryman, for this office, received 220 votes; William B. Seward, contestor, received 1,574 votes, and Robert W. Miers, the sitting member and contestee, received 1,654 votes, thus obtaining, as is shown by the

contestor's proof, a clear plurality of eighty votes over Mr. Seward, the next highest candidate.

But it is assumed that the ballots so cast for Miers were and are ineffectual by reason of the disability under which it is claimed by the contestor that he at the time of the election rested, and hence that he should be deprived of his seat and the seat awarded to the contestor, who is shown by evidence introduced by his own behalf to have been the minority candidate. In the judgment of your committee the will of the people, as solemnly expressed at the ballot-box, should not be ignored except it be in a case of clear and plain duty growing out of the constitutional necessities of the case.

Section 16, article 7, of the constitution of the State reads, that "no person elected to any judicial office shall be eligible to any office of trust or profit under the State, other than a judicial office, during the term for which he shall have been elected and qualified." Your committee then grants that if the office of prosecuting attorney is a judicial office that Mr. Seward's ground of contest is well taken. The true question then to be determined is, what is a judicial office?

It is a tribunal charged with the exercise of "judicial powers." Judicial power and authority are declared to be the very essence and attributes of a judicial office. The one can not exist without the other. The power and authority are inseparable from the office, as the office possesses the powers and authority. A judicial office then is one in which some judicial power of the State is rested. This is a proposition that is scarcely open to argument, and by reference to section 1, article 7, of our state constitution, we ascertain that "the judicial power of the State shall be vested in a supreme court, in circuit courts, and in such inferior courts as the General Assembly may establish."

Now a court is defined to be a place where justice is judicially administered as a kind of incorporal being which can be seen only in the person of the judge and felt in the exercise of his functions, and in common parlance, it is said, that the judge alone is the court because there can not be a court without a judge. A prosecuting attorney, it is needless and useless for your committee to say, is not a supreme court, nor a circuit court. He is only a court officer in the sense in which an attorney is an officer of the court wherein he is sworn to practice. He is no more an officer of the court than is the clerk or sheriff of a county, yet it will not be assumed that an attorney, clerk or sheriff comes within the constitutional prohibition.

It has never been contended that attorneys are ineligible to a seat in the General Assembly by reason of the oath that they have taken as officers of courts, yet it would seem, that if prosecutors are ineligible to a seat in this body, by parity of reasoning, that attorneys would likewise be destitute of authority in the capacity of Legislators.

The point your committee desire to make is that being an officer simply of the court does not incapacitate the individual from being chosen to another office unless the one from which he is to be promoted is judicial in its character.

Inasmuch as it is a self-evident fact that a prosecuting attorney is neither a supreme court nor a circuit court, he must be an inferior court, established by the General Assembly, if he is a judicial officer. To determine this question we need only look to the several acts of the Legislature and ascertain the power conferred (as his authority is derived wholly from the statutes).

Under the act of May 4, 1852, the Auditor of State may require him to prosecute for trespass or waste committed on lands belonging to or mortgaged to the State.

The act of June 11, 1852, which provided for the election and certain duties of prosecuting attorneys, defines his duties as follows:

“He is to prosecute the pleas of the State in the circuit court, execute a bond and take the usual oath of office before entering upon his duties; to cause process to issue from a court having jurisdiction to the proper officers, directing them to subpœna persons named therein, supposed to be cognizant of felonies and misdemeanors and compel them to testify; to conduct all prosecutions for felonies and misdemeanors and all suits on forfeited recognizances, resist applications for change of venue, protect the interests of all persons of unsound mind, and superintend, in behalf of the county or any of the trust funds, any suit in which the same may be interested or involved.”

And under the act approved June 17, 1852, he shall file an information in the name of the State against delinquent insurance companies under the direction of the auditor; and in addition to the above duties, he is required to defend unresisted divorce suits. So it will be seen that each and every one of the several duties so assigned him is ministerial, and nothing more. He can appoint deputies—a thing that few judicial officers can do—and in the event that he or his deputy fails to attend any sitting of the court in his circuit, the judge can appoint any attorney to perform the duties of prosecuting



attorney, and compensate such appointee out of the docket fees and salary of the officer.

A prosecuting attorney can not *nolle* a case without the consent of the court. He can not try or determine any suit, issue any writ, subpoena or attachment. He can not fine for contempt, issue a venire, or impanel a jury. He can not administer an oath, assess a punishment or perform a single judicial function, and it is said in Bouvier's institute "That the test of a court of record is that it has power to fine and imprison." In short, we desire to state that as the constitution of the State declares a prosecuting attorney to be not a court, but an officer of the court, there can be no such judicial officer in the absence of a statute erecting such court and prescribing its powers and duties.

Your committee can find within the lids of the statute acts of the General Assembly at divers times creating the judicial officers of mayor, city judge, superior court judges and judges of the criminal circuit courts, all being courts of superior and limited jurisdiction, as provided for in the fundamental law of this State; but beyond this they have not gone. The constitution of the State of Indiana divides the powers of the State government into three distinct departments, viz: the legislative, the executive, including the administrative, and the judicial department. Provision is made for the election of prosecuting attorneys, and this circumstance is occasionally used as an argument by some to prove the office judicial, but it can not be so tortured or construed, for under the same head the election of a clerk of the supreme court is provided for; and still another head designates the mode of creating lawyers, and hence, by like reasoning, they are all judicial officers.

The constitution declares all judicial officers conservators of the peace, co-extensive with their respective jurisdiction; but if such power were claimed, or sought, or attempted to be exercised by a prosecuting attorney, it would render him ridiculous, and he would become the laughing stock of his constituents.

Our supreme court, in the contested election case of Waldo vs. Wallace, for the sheriff's office of Marion county, in an able and exhaustive decision, which can be found in 12th Indiana Reports, settles the question in accordance with the view entertained by your committee beyond the possibility of cavil. Wallace, at the time of his election to the office of sheriff, was mayor of the city of Indianapolis; and the office of mayor was held, in accordance with an unbroken tenor of decisions, to be a judicial office, because it was

vested with judicial power. This is the only decision in point that has yet been made by the highest judicial tribunal of this State, and in it the court say that a judge will be no less a judicial officer because some duties he may have to perform are administrative in their nature, nor will an administrative officer become a judicial officer simply because some of his duties may be to some extent judicial in their character. In reading this decision we are impressed with the idea that there is neither law nor common sense to support the notion that a prosecuting attorney is a judicial officer.

The case of *The State vs. Heming*, reported in 33d Indiana, is the only one which could possibly be cited to support an argument that he is a judicial officer. Heming was a prosecutor, and was indicted for bribery and corruption in office in this, that he received a fee of five dollars as an inducement to nolle a criminal prosecution for violation of the liquor laws of the State. The indictment against him was defective and was quashed.

In this decision the court say, that the turning point in the case is this: Is he an officer intrusted with the administration of justice, and there Judge Gregory (who wrote the opinion) asserts that he is a judicial officer, and cites the constitution of the State, which we have heretofore quoted, to sustain him; but, as has been observed, it does not support what he asserts. This, therefore, is a mere *dictum* of the judge and entitled to no weight or consideration whatever, and was doubtless made in an unguarded moment, without due reflection on the part of the learned judge who uttered it. We will further observe that this remark decided no point in the case, as the judicial character of the officer was not involved as a point in the case. The fact, in other words, that he was acting in the official capacity of prosecuting attorney was not disputed.

In the opinion of your committee the language of the organic law of this State is so plain and unambiguous on this question that we can not err in the conclusion at which we have arrived. It is so concise and comprehensive that the elaborate opinions of learned jurists are not required to aid us in the construction which should be placed upon it.

The framers of this instrument disclosed their own intentions, it is manifest, from its own language, without resorting to extrinsic circumstances to explain it. The motives and reasons which operated in their minds and impelled their action is manifest from their handiwork.

It was their object and intention to prevent those occupying the positions of judge and justice, and who should thus hold the lives, liberty and property of their constituents within the hollow of their hands, from bartering away the rights of the humblest by judicial decree in return for political favors.

It was to secure experience and integrity in the discharge of judicial functions and prevent the schemes and intrigues so general among those who use one office as a stepping stone to attain another, from entering the judiciary and thus converting it into a muddy cesspool of politics.

They intended, as we understand it, to discourage office-seeking as a business among those who decide, determine, speak or pronounce the law, and who are known as judges, that the fountains of justice may not be poisoned or polluted thereby.

It was never intended by this provision to reach prosecutors, or any other class of officials, or they would have said so in direct terms by a prohibitory clause. And there being no inhibiting clause a prosecutor is eligible.

It is, in the judgment of your committee, a well known fact that this official has less power than the clerk or sheriff of a county, because either of these officials can take recognizance and accept and approve bail, while the prosecutor has no such authority.

We have occasion to express our views at length in this matter, that the House may know that your committee has not been actuated by any partisan consideration, but that the law, as well as the equity of the case, is with contestee; and, in conclusion, we herewith submit that Mr. Seward's grounds of contest are not well taken, and that the Hon. Robert W. Miers is entitled to the seat in the House of Representatives which he now holds.

All of which is respectfully submitted.

CHARLES O. LEHMAN.

A. HUMPHREYS.

JOSEPH S. DAILEY.

J. W. GORDON.

B. F. CAMPBELL.

Which report was concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report, to-wit:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 383, introduced by Mr. Kirkpatrick, entitled "an act to



legalize the incorporation of the Kokomo Gas-Light and Coke Company, Howard county, Indiana, and the official acts of the several boards of directors thereof under an act for the incorporation of manufacturing and mining companies and companies for mechanical, chemical and building purposes, approved May 20, 1852," have had said bill under consideration and would report the same back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Osborn, of Elkhart, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 158, introduced by Mr. March, of Delaware county, being a bill in relation to settlements made by boards of county commissioners with county, township and school officers, have had the same under consideration and instructed me to report it back, together with the following amendments, to-wit:

To amend section 1 by adding thereto the following, to-wit: *Provided, also*, That when it shall be made to appear, to the satisfaction of the board of commissioners of any county of this State, that by reason of any erroneous charges on the tax duplicate, or through inadvertence, mistake, or from any other cause, any one of the above named officers has paid over to such county or reported settled or accounted for more money to such board of commissioners than was justly and equitably due or owing from such officer, or more than ever, in fact, came into his hands as such officer, then, and in such case, such board is hereby authorized to order the repayment out of the proper funds in their proper proportion so overpaid by such officer, and credit to be given by the auditor therefor; and in case such money has not been thus paid by such officer, such board is hereby authorized to remit and release so much of the same, in whatever form of indebtedness it may exist, as is in their judgment unjust, unequitable and wrong on account of having grown out of such mistake, inadvertence or overcharge; not, however, releasing such officer or his sureties from the payment of any moneys ever, in fact, received by him as such officer and remaining unaccounted for.

And your committee recommend that when the bill is so amended it do pass.

Which report was concurred in and the bill, as amended, ordered to be engrossed.

The Speaker announced that he had signed House concurrent resolution No. 1; also concurrent resolution No.— on the subject of pay of employes.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 132, introduced by Mr. Sleeth, have had the same under consideration and direct me to report the same back recommending that it do pass.

Report concurred in and bill ordered engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 38, introduced by Mr. Faulkner, have had the same under consideration and report the same back to the House, with the recommendation that it do pass.

Report concurred in and bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 174, introduced by Mr. Golden, of Jefferson, entitled "a bill for the repeal of section 11 of an act entitled an act defining certain misdemeanors and prescribing punishment therefor, approved December 2, 1865," (commonly known as the provoke law), have had the same under consideration and direct me to report the same back to the House, with the recommendation that it do pass.

Which was concurred in and the bill ordered engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 58, introduced by Mr. March, "a bill declaring attorneys' fees null and void in any note, draft or within evidence of indebtedness," have had the same under consideration and have directed me to report the same back, recommending that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 126, entitled "A bill for an act touching foreign corporations, and providing that certain acts thereof shall work for forfeiture," have directed me to report it back to the House with the recommendation that the same be amended as follows: By striking out all after the enacting clause and inserting the following amendment:

Section 1. That every foreign corporation now doing or transacting, or that shall hereafter do or transact any business in this State, or acquire any right, title, interest in or lien upon real estate in this State; that shall transfer or caused to be transferred from any court of this State to any court of the United States, save by regular course of appeal after trial in the state courts, any action commenced by or against such corporation in any court of this State by any citizen or resident thereof, or that shall be commenced in any court of the United States, in this State, or any contract made in this State, or liability accrued therein, any suit or action against any citizen or resident of the State of Indiana, shall thereby forfeit all right and authority to do or transact business in this State, or hold real property or liens thereon, and all contracts between such corporations and citizens, or residents of this State, made after the passage of this act, shall be rendered void as in favor of such corporation but enforceable by such citizen at his election.

Sec. 2. The provisions of this act shall be and the same are hereby made conditions upon which such corporations may be authorized to do business in this State, or hold title or liens on real estate therein.

Sec. 3. There being now no law of this State covering the provisions of this act, therefore an emergency exists and the same shall be in force from and after its passage.

And when so amended we recommend that the bill do pass.

Which report was concurred in and the bill ordered engrossed as amended.

House Bill No. 542. Introduced by Mr. Gordon, entitled "A bill for an act touching the boarding of prisoners confined in the common jails of the several counties of this State.

Read the first time.



Mr. Shanks moved that the constitutional rules be suspended, and House bill No. 542 be read the second time.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Carey, Compton, Confer, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Faulkner, Galbraith, Garroutte, Ginz, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—75.

Mr. Perry voting in the negative.

The constitutional rule was suspended and House bill No. 542 read the second time and referred to the committee on the judiciary, and two hundred copies ordered printed.

Mr. Humphreys was granted leave of absence on account of sickness for the day.

On motion of Mr. Dalton, the House adjourned.

## AFTERNOON SESSION.

FEBRUARY 11, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 160, introduced by Mr. Stevens, entitled "A bill for an act

to amend section 27 of an act regulating descents and the apportionment of estates approved May 14, 1872, have had the same under consideration and have directed me to report the same back to the House, with recommendation that the same be amended as follows:

By striking out the following: "And the same shall apply to any estate unsettled at the date of the passage of this act in which there are assets remaining undisposed of."

Also by striking out section 2, which reads as follows: "It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage."

And when so amended we recommend that the bill do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 131, introduced by Mr. Sleeth, a bill to amend section 77 of the practice act, approved June 18, 1852, have considered the same and recommend that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 39, introduced by Mr. Faulkner, "A bill for the election an appointment of supervisors," have had the same under consideration and recommend that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 88, introduced by Mr. Gordon, "A bill to repeal the act defining vagrancy, approved March 15, 1877," have directed me to report the same back, recommending that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Shanks submitted the following report, to-wit:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 120, "An act concerning the evidence to be given by the defendant in action for libel and slander," have had the same under consideration, and direct me to report the same back to the House with the recommendation that the bill do pass without amendments.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Shanks presented the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 188, have had the same under consideration and have instructed me to report to the House that said committee recommend that section 3 of said bill be stricken out, and that when such amendment is made then that the bill do pass.

Which report was concurred in and ordered to be engrossed, as amended.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 172, have had the same under consideration and ask me to report the same back to the House and to recommend that said bill do pass.

Which was concurred in and bill ordered engrossed.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 30, "an act to amend section 8 of an act concerning real property, approved May 6, 1852," have had the same under consideration and directed me to report the same back to the House with the recommendation that it be amended by striking out all after the enacting clause, and inserting the following:

That section 8 of said act be so amended as to read as follows:

Section 8. The preceding section shall not apply to mortgages nor to conveyances in trust, nor when made as a gift or advance-



ment to husband and wife, and every estate vested in executors or trustees as such be held by them in joint tenancy.

And that when so amended the bill do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your judiciary committee, to whom was referred House bill No. 168, introduced by Mr. Humphreys, have had the same under consideration, and direct me to report the same back to the House with the recommendation that section 1 be amended by striking out the words "any rate of discount not exceeding five per centum," in lines ten and eleven, of page two, of said bill, and inserting in lieu thereof the words "not less than par;" and that section two be amended by inserting after the word "five," where it occurs in said section, the words "nor more than ten," and when so amended that said bill do pass.

Which report was concurred in and the bill ordered to be engrossed as amended.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 107, entitled "An act providing for the election and qualification of justices of the peace, approved June 9, 1852," have had the same under consideration, and direct me to report the same back to the House with the recommendation that it do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 32, introduced by Mr. Watson, "a bill in relation to prosecutions of felonies by affidavits in certain cases," have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that it be amended by striking out all after the enacting clause and inserting the following: "That felonies may be prosecuted in the circuit and criminal courts by affidavits and information in the following cases:

"First. When any person is in custody on a charge of felony and no grand jury is in session.

"Second. When an indictment has been found by the grand jury and has been quashed.

"Third. When a cause has been appealed to the supreme court and reversed on account of defects in the indictment.

"Section 2. In the cases named in the first section of this act any person charged with a felony shall have the right to demand that he be prosecuted by affidavit and information, without delay, and if the prosecuting attorney fail to prosecute as provided for in this act, the party so charged shall be discharged from custody.

*Provided*, That upon a showing by the prosecuting attorney that he is unable to procure from any one the necessary affidavit the defendant shall be prosecuted as in other cases, if the court shall so order.

"Sec. 3. The affidavit and information may be amended in matter of substance or form at any time before the defendant pleads, and the information may be amended at any time to conform to the affidavit.

"When the affidavit is amended it shall be newly sworn to."

And when the bill be so amended that it do pass.

The report was concurred in and the bill ordered engrossed.

Mr. Shanks presented the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 238, entitled an act to amend section 647 of an act entitled an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, approved June 18, 1852, have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it be amended by striking out all after the word "*Provided*," in line six of the second page thereof, and inserting the following: That where work is done on any building by a sub-contractor, or material is furnished to any person other than the owner of such building, such sub-contractor or person furnishing material shall not be entitled to such lien until he shall have given such owner written notice of his intention to hold the building responsible for the work done or material furnished, and that the lien so acquired shall be limited to the amount remaining unpaid by such owner for the erection or repair of such building at the time such written notice is given. And that, when so amended, it do pass.

Which report was concurred in and the bill ordered to be engrossed as amended.

Mr. Shanks, from the judiciary committee, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 5, "an act regulating the number of grand jurors, approved March 13, 1875," have had the same under consideration, and report that in the opinion of the committee the bill should not pass.

Mr. March, from the committee on the judiciary, submitted the following minority report:

MR. SPEAKER:

The undersigned, a minority of your committee on the judiciary, being unable to concur in the report of the majority thereof, submit the following minority report, to-wit: As the law stands the grand jury must be composed of freeholders only; other citizens are incompetent to serve thereon, while for the equally important duties of a petit jury householders as well as freeholders are competent. They can see no good reason for making such a distinction, and believe that the law as it now stands is a mistake, and that the proposed amendment by House bill No. 5, excluding, as it does, freeholders who are not householders, from serving on grand juries, is another mistake. They recommend that section 1 of said bill be so amended as to insert immediately after the word "householder" therein the words "or freeholder," and when so amended they recommend that it pass.

Mr. Overmyer moved to lay both the reports on the table.

Mr. Briggs called for a division of the question.

So ordered.

The question being on the laying of the minority report on the table.

Messrs. Briggs and Faulkner demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Carey, Compton, Connor, Davidson, Donnell, Drover, English, Galbraith, Lehman, Lindley, Nave, Osborn of Elkhart, Overmyer, Owen, Shanks, Sleeth, Thompson, Vawter and Works—22.



Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Confer, Connaway, Dailey, Dalton, Davis, Drake, Faulkner, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, March, Mitchell, Osborn of Vermillion, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Vanpelt, Watson and Mr. Speaker—54.

The motion to lay the minority report on the table was not agreed to.

The motion to lay the majority report on the table was then agreed to.

Mr. Thompson moved that the minority report be indefinitely postponed.

On the motion to indefinitely postpone the minority report, Messrs. March and Drake demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Brown of Jasper, Compton, Connor, Davidson, Donnell, Galbraith, Hosmer, Lindley, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Scholl, Shanks, Stevens, Thompson, Vawter, Wimmer and Works—22.

Those who voted in the negative were: Messrs. Alden, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Steuben, Campbell, Carey, Confer, Connaway, Dailey, Dalton, Davis, Drake, English, Faulkner, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Mitchell, Osborn of Vermillion, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Vanpelt, Watson and Mr. Speaker—54.

The motion was not agreed to.

The question recurring on the concurring in the minority report.

The same was concurred in.

Mr. Shanks offered the following amendment to House bill No. 5, to-wit:

I move to amend by adding: That any qualified voter of this State shall be a competent grand jurymen.

Mr. Johnson moved to lay Mr. Shanks' amendment on the table. Which was agreed to.

On motion, House bill No. 5 was ordered to be engrossed, as amended.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts of justice, to whom was referred House bill No. 173, by Mr. Hess, "an act authorizing justices of the peace to certify causes to the circuit or superior courts," have had the same under consideration and have directed me to report the same back to the House, with the recommendation that all of said bill after the enacting clause and down to line nine on page 3, including the word "section" and the figure "3," and also sections 4 and 5 be stricken out, and that said section 3 stand as the first section of said act; that when said bill be so amended your committee recommend that it do pass.

Report concurred in and bill as amended ordered engrossed.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred House bill No. 75, by Mr. Overmyer, entitled "an act to limit appeals to the supreme court and fixing the time within which appeals may be taken," have had the same under consideration and have directed me to report the same back to the House, with the recommendation that the said bill do pass.

Report was concurred in.

Mr. Briggs submitted the following amendment, to-wit:

Amend section 1 by adding thereto the following: *Provided*, That the party taking such appeal shall first file his or her affidavit that he or she has a meritorious cause of action therein, or defense thereto, and that the said appeal is not taken merely for delay.

Which amendment was not adopted.

The bill was ordered to be engrossed.

Mr. Briggs from the committee on organization of courts of justice submitted the following report.

MR. SPEAKER:

Your committee on organization of courts of justice to whom was referred House bill No. 307, introduced by Mr. Sleeth, "an act to amend sections 9 and 18 of an act to divide the State into judicial circuits have had the same under consideration and direct me to report the same back recommending that the bill be indefinitely postponed.

Report concurred in.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on organization of courts of justice, to whom was referred House bill No. 351, by Mr. Herod, have had the same under consideration and have directed me to report the same back to the House with the recommendation that it be amended as follows:

That on page one, beginning in line seven, and at the word "or," the following words be stricken out, "or any member of his family, or is necessarily compelled to be absent from home," ending in line nine, page one; and also the words "either of" and the word "cases" be stricken out, and in lieu of said word "cases" be substituted; and in line twelve shall also be stricken out the word "mentioned"; line one, page two, said amended part, to read as follows:

That whenever any justice of the peace shall be unable to discharge the duties of his office on account of sickness of himself, then and in such case such justice so incapacitated is hereby authorized to, etc., etc.

And they further recommend that when said bill is so amended that it do pass.

Which report was concurred in and the bill ordered engrossed as amended.

Mr. Briggs, from the committee on the organization of courts of justice, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts of justice, to whom was referred House bill No. 356, by Mr. Vanpelt, "a bill to amend section 64, providing for the qualification of justices in civil cases, approved June 9, 1852, have had the same under consideration and



have directed me to report the same back, recommending that it be indefinitely postponed.

Report concurred in.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts of justice, to whom was referred House bill No. 367, by Mr. Donnell, "An act to limit the number and increase the jurisdiction of justices of the peace," have had the same under consideration, and have directed me to report the same back to the House, recommending that it do pass.

Which report was concurred in.

Mr. March submitted the following amendment:

Amend section 2 by striking out four, and insert five.

Which was adopted.

Mr. Kirkpatrick submitted the following amendment:

I move to amend by striking out the word two, where it occurs, as applied to the number of justices of the peace, and insert in lieu thereof the word one.

Mr. Lindley submitted the following amendment to Mr. Kirkpatrick's amendment:

I move to amend by adding where the population of the township does not exceed two thousand voters.

Which was not agreed to.

The question recurring on Mr. Kirkpatrick's amendment.

The same was agreed to.

Mr. Hess moved a reconsideration of the vote on the adoption of the amendment of Mr. Kirkpatrick.

Which was not agreed to.

On motion House bill No. 367 was ordered to be engrossed as amended.

Mr. Wimmer was granted leave of absence until Wednesday morning.

Mr. Skinner moved that when this House adjourn it be until to-morrow at 2 o'clock P. M.

Which motion was not agreed to.

On motion of Mr. Briggs the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

---

### WEDNESDAY MORNING.

FEBRUARY 12, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Hon. Mr. Mitchell, the member from Washington county.

The Journal of yesterday was read in part, when, on motion of Mr. Campbell, the further reading was dispensed with.

Mr. Van Valzah was granted leave of absence on account of sickness for to-day.

Mr. Gordon was granted leave of absence for the balance of the week.

Mr. English presented the claim of Thomas H. S. Peck.

Which was referred to the committee on claims.

Mr. Bryant, from the committee on statistics, presented the following report:

MR. SPEAKER:

Your committee on statistics and emigration, to whom was referred House bill No. 20, having had the same under consideration have directed me to report the same to the House with the recommendation that the bill do pass with the following amendments:

Amend section 2 by adding the following:

*Provided*, That such chief of the bureau of statistics shall be an expert in the science of geology and chemistry.

Also, to amend section 3 by adding after the words "vital statistics" therein, the words "marriages and deaths."

Also, to fill blanks in section 6 so as to make the annual compensation of the chief of the bureau of statistics "one thousand five hundred dollars," and that the other blank of said section be filled with the words "three thousand five hundred dollars."

Which report was concurred in and the bill ordered to be engrossed.

Mr. Bryant, from the committee on statistics and emigration, submitted the following report:

MR. SPEAKER:

Your committee on statistics and emigration, to whom House bill No. 446 was referred, have had the same under consideration, and have directed me to report the same to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 228, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 442, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do pass.

Report concurred in and House bill No. 442 ordered engrossed.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 320, have had the same under consideration and direct me to report it back to the House, recommending that it do pass.

Mr. Thompson moved to lay the report and bill on the table.



Messrs. Thompson and Stucker demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Brown of Jasper, Confer, Dailey, Dalton, Davidson, Drake, Drover, English, Faulkner, Galbraith, Garrouette, Ginz, Gordon, Hart, Hosmer, Humphreys, Johnston, Kester, Lehman, Lindley, Nave, Perry, Rooker, Scholl, Shauck, Shutt, Stucker, Thompson, Vanpelt and Mr. Speaker—34.

Those who voted in the negative were: Messrs. Arnold of Wabash, Bearss, Briggs, Brown of Steuben, Campbell, Carey, Compton, Connaway, Connor, Davis, Donnell, Fancher, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kirkpatrick, Major, March, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Schweitzer, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Vawter, Watson and Works—48.

The motion to lay the report and bill on the table was not agreed to.

Mr. Gordon moved that for the present the bill and report do lie on the table, and that two hundred copies be printed for the use of the members.

Which was agreed to.

Mr. Gordon submitted the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire whether there is not a gore of land lying along the east side of Boone county, and between Boone and Hamilton counties, that properly belongs to Boone county, which is not included within the boundaries thereof, according to any statute now in force; and if it shall be so found by said committee, then that said committee inquire and report whether any legislation is necessary to include said gore of land within the boundaries of said county of Boone.

Which was adopted.

Mr. Drake offered the following House concurrent resolution on the subject of the "Black Death:"

WHEREAS, The newspapers are daily publishing accounts of the ravages of the Black Death, which is at this time depopulating southeastern Russia; and

WHEREAS, History records the appalling fact that the same dread disease has previously spread from village to village and country to country, sowing death and desolation in its pathway, in many cases leaving not a living human being to tell the tale of woe caused; and

WHEREAS, As yet no positive remedies for the cure of said disease have been discovered; and

WHEREAS, There is immediate danger in importing the aforesaid plague into this country by reason of our commercial relations with the eastern hemisphere, and especially with those European countries whose ports are on the Mediterranean and other seas of southern Europe; therefore be it

*Resolved by the House of Representatives (the Senate concurring therein),* That the attention of our Senators and Representatives in Congress is respectfully called to the facts recited in the preamble to this resolution, and that they be at the same time urgently requested to lay the same before Congress for such action as that honorable body may see fit to take in the premises; and be it further

*Resolved,* That it is hereby made the duty of the Secretary of State to transmit copies of this resolution to each of our Senators and Representatives.

Which was, on motion, referred to the committee on federal relations.

Mr. Connor moved that House bills Nos. 84 and 179 be ordered engrossed.

Which was agreed to.

Mr. Connaway presented a petition from the citizens of Fayette county.

Which was referred to the committee on military affairs.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts of justice, to whom was referred House bill No. 370, by Mr. Humphreys, entitled "a bill to change the law in reference to bringing suits during court," have had the same under consideration and have directed me to report the same back to the House, with the recommendation that the said bill do lie upon the table.

Which was concurred in.

Mr. Briggs, from the committee on the organization of courts of justice, submitted the following report :

MR. SPEAKER :

Your committee on the organization of courts of justice, to whom was referred House bill No. 412, "a bill to amend section 397, approved June 18, 1852," in relation to the practice act, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that it be amended as follows: By inserting after the word "Indiana," in line two, page 4, the words "and have been duly served with process in such action;" and, further, by striking out the second section; and your committee further recommend that when said bill is so amended that it then do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. Briggs, from the committee on the organization of courts of justice, submitted the following report :

MR. SPEAKER :

Your committee on the organization of courts, to whom was referred House bill No. 424, by Mr. Works, entitled "an act to amend sections 5, 6, 7, 8, 43, 44, 45 and 46, of an act entitled an act to divide the State into circuits for judicial purposes," etc., etc., have had the same under consideration, and have directed me to report the same back to the House with the recommendation that the said bill do pass.

Which report was concurred in and the bill ordered to be engrossed.

The resolution on charges about trustees of Soldiers' Home was referred to the special committee on such institutions.

Mr. Briggs, from the committee on courts of justice, submits the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 511, by Mr. Taylor, of Warrick, entitled "an act to fix the time of holding courts, have had the same under consideration and have directed me to report the same back to the House with the recommendation that the said bill do pass.

Which report was concurred in and the bill ordered to be engrossed.



Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 390, entitled "an act to legalize the election of township trustees," have had the same under consideration and directed me to report the bill back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 138, entitled "an act authorizing township trustees to apply surplus township funds now on hands for road purposes, have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 206, "a bill to authorize county commissioners to pay constables," have had the same under consideration and direct me to report the bill back, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 265, entitled "an act to abolish the office of road supervisor," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be referred to the committee on roads.

Which report was concurred in.

Mr. Allen, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred claim 90, the same being the claim of Benton county for relief in the matter of expenditures incurred in the prosecution of James L. McCullough for the murder of William S. Morgan, in June, 1865, have had the same, together with the communication of the Governor, Secretary and Treasurer of State in regard to the matter, and in which they recommend that \$973.70 of the claim be allowed, under consideration, and direct me to report it back, with the recommendation that the sum of \$973.70 be allowed as recommended in said communication, for the reasons therein named, and that said claim be referred to the committee on ways and means, to be reported in the specific appropriation bill.

Mr. Osborn moved that the report of the committee and the claim of Benton county be indefinitely postponed.

Which was agreed to.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 443, entitled "an act to amend an act limiting the power of township trustees," have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do pass.

Which was concurred in.

Mr. Humphreys submitted the following resolution:

*Resolved*, That the commissioners of the House of Refuge be requested to furnish the House of Representatives with the number of inmates and the offences for which they were committed.

Which was adopted.

On motion of Mr. English, the House adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

FEBRUARY 12, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Osborn, of Elkhart, submitted the following resolution :

WHEREAS, The material reduction of the fees and compensation of county officers was made the paramount issue before the people in the last political campaign ; and

WHEREAS, All parties stand pledged to the people to bring about at this session of the General Assembly such material reduction and thereby relieve the people of a portion of the burdens yet resting upon them, the results of the high prices of the preceding years ; and

WHEREAS, More than one-half of the session has expired and as yet no general discussion has been had upon the subject by which the members might be able to compare views and arrive at some bases upon which to make such reduction which will be just toward the officers and beneficial to the people ; therefore be it

*Resolved*, That in order to avoid the almost universal habit of charging constructive fees not in truth and spirit warranted by the statute, which has obtained among public officers of late, and in order that the people may at all times know just what they are paying their servants for the transaction of their business, and may intelligently reduce or increase such pay so as to do justice to all, it is the duty of this General Assembly, and in accordance with the best interests of the people, that the pay and compensation of county auditors, treasurers, sheriffs and clerks be established by permanent and fixed salaries, and graded among the several counties according to population, and that the general features of House bill No. 113 should be carried out and engrafted into the law making such changes, if necessary, as to amounts to be paid or received as will afford the officers a fair compensation for their services, and bring to the treasury a proper sum for the services rendered to litigants and others having business done by the public officers.

Mr. Osborn moved that the resolution be referred to a committee of the whole House, and made the special order for Friday morning at 10 o'clock.



Mr. Lindley offered the following amendment:

And provided that the provisions of the resolution shall also apply to the compensation of State officers, and provided further that the committee on fees and salaries are directed to report a bill embracing the points enunciated herein at an early day. (1)

Mr. Overmyer offered the following amendment to the amendment:

That in view of the facts recited in the preamble to said resolution it is the duty of the General Assembly to provide at once for the submission of the constitutional amendments to the people. (2)

Mr. Briggs moved to lay the amendment to the amendment on the table.

Messrs. Overmyer and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Warrick, Thompson, Vanpelt and Mr. Speaker—47.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Donnell, Fancher, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Overmyer, Owen, Reed, Robeson, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Vawter, Watson and Works—34.

The motion to lay on the table was agreed to.

The question recurring on the motion of Mr. Osborn, as amended by Mr. Lindley, the same was adopted.

Mr. Daily presented a petition from the citizens of Wells county on temperance.

Which was referred to the committee on temperance.

Also, a petition from the citizens of Adams county on fees and salaries.

Which was referred to the committee on fees and salaries.

House bill No. 543. Introduced by Mr. Dailey, entitled "An act to amend section 6 of an act entitled an act repealing sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21 and 22, of an act entitled an act to provide for the registry of voters and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers, approved March 11, 1867, and prescribing further duties of the officers of elections, and providing for the appointment of the necessary officers and clerks for holding such elections, approved May 13, 1869."

Read the first time.

Mr. English, from the committee on the affairs of the city of Indianapolis, submitted the following report:

MR. SPEAKER:

Your committee on the affairs of the city of Indianapolis, to whom was referred House bill No. 24, have had the same under consideration and have directed me to report the same back with an amendment, and when so amended the committee recommend that the bill do pass.

Amend by inserting the word "fiscal" after the word "current" wherever it appears in the bill, so as to read "current fiscal year."

Report and amendment concurred in, and the bill ordered engrossed.

Mr. English, from the committee on the affairs of the city of Indianapolis submitted the following report:

MR. SPEAKER:

Your committee, on the affairs of the city of Indianapolis, to whom was referred House bill No. 449, a bill to limit the powers of cities having thirty thousand or more inhabitants, to contract for gas or water, have had the same under consideration and have directed me to report the same back to the House with the recommendation that the bill be amended as follows:

Strike out line five and the following words in line six, "or more inhabitants," and insert in lieu thereof the words "incorporated city;" and in line thirteen strike out the words "one year," and

insert in lieu thereof the words "four years." And your committee further recommend that when said bill be so amended it do pass.

Report and amendments concurred in and the bill ordered engrossed.

House Bill No. 532. Introduced by Mr. Gordon, was read the second time and referred to the committee on education.

Mr. Saint presented a petition from the citizens of Henry county on temperance.

Which was referred to the committee on temperance.

On motion of Mr. Faulkner the House proceeded to consider the business on the Speaker's table.

The following communication from the Indiana Institute for the Education of the Blind was received:

INDIANA INSTITUTE FOR THE EDUCATION OF THE BLIND,  
INDIANAPOLIS, FEBRUARY 11, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

SIR: We have the honor to transmit to your House the accompanying statement of the Institute for the Blind, setting forth the receipts and expenditures for the two years ending October 31, 1878, and also an itemized account of the expenditures for the same period. The same in response to the resolution of the 13th of January, 1879.

Very respectfully,

P. H. JAMESON,  
DANIEL MOWER,  
CORTEZ EWING.

Board of Trustees.

Which was referred to the committee on ways and means.

The following communication was received from P. H. Jameson, president of board of trustees of Deaf and Dumb Institute:

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

SIR: On behalf of the board of trustees of the Deaf and Dumb Institute, I have the honor to transmit herewith an itemized account of the expenditures of said institution for a period of two years ending December 31, 1878. The making of this statement has involved much labor and time. It fills nearly four hundred pages and em-



braces over 12,000 items. If it may be presumed that it will be carefully read by each member of your House, I trust the information called for will be thereby imparted.

Very respectfully,

P. H. JAMESON,

President of the Board.

Which was referred to the committee on ways and means.

The following communication was received from the Indiana Reformatory Institution for Women and Girls:

INDIANAPOLIS, IND., FEBRUARY 6, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

I have the honor to present herewith the report of the board of managers of the Reformatory Institution, as called for by House resolution of January 13, 1879, setting forth an itemized statement of purchases, receipts and disbursements, copy of all contracts on file, and cost *per capita* for keeping the inmates, said report commencing with the first day of January and extending, including everything, to February 4, 1879, being duly signed as ordered by all of board of managers, also superintendent.

By order of board of managers.

A. DUNLAP, Secretary.

On motion the communication and report was referred to the committee on ways and means.

The following communication was received from the Auditor of State:

OFFICE OF AUDITOR OF STATE,

INDIANAPOLIS, FEBRUARY 10, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

DEAR SIR: In compliance with a resolution of the House, certified to this office January 15, 1879, directing the Auditor of State to request of county auditors, treasurers, clerks and sheriffs to report to this office, by the 10th of February, 1879, the amount of fees, salaries and all other emoluments received during the year 1878, blanks were forwarded to all the county officers mentioned in the resolution, and in response I have the honor to transmit herewith all the reports received to date. These reports show that the officers of the following counties have made the desired reports, viz:

Auditor of Adams county.  
Auditor of Bartholomew county.  
Auditor of Benton county.  
Auditor of Boone county.  
Auditor of Carroll county.  
Auditor of Clay county.  
Auditor of Crawford county.  
Auditor of Dearborn county.  
Auditor of Decatur county.  
Auditor of Delaware county.  
Auditor of Fayette county.  
Auditor of Franklin county.  
Auditor of Grant county.  
Auditor of Hamilton county.  
Auditor of Hancock county.  
Auditor of Harrison county.  
Auditor of Hendricks county.  
Auditor of Henry county.  
Auditor of Howard county.  
Auditor of Huntington county.  
Auditor of Jackson county.  
Auditor of Jasper county.  
Auditor of Jay county.  
Auditor of Jennings county.  
Auditor of Lagrange county.  
Auditor of Laporte county.  
Auditor of Lawrence county.  
Auditor of Madison county.  
Auditor of Martin county.  
Auditor of Monroe county.  
Auditor of Morgan county.  
Auditor of Ohio county.  
Auditor of Orange county.  
Auditor of Owen county.  
Auditor of Parke county.  
Auditor of Perry county.  
Auditor of Pike county.  
Auditor of Porter county.  
Auditor of Pulaski county.  
Auditor of Randolph county.  
Auditor of Ripley county.

Auditor of Shelby county.  
 Auditor of Starke county.  
 Auditor of St. Joseph county.  
 Auditor of Steuben county.  
 Auditor of Switzerland county.  
 Auditor of Tippecanoe county.  
 Auditor of Tipton county.  
 Auditor of Union county.  
 Auditor of Vanderburgh county.  
 Auditor of Vigo county.  
 Auditor of Warren county.  
 Auditor of Warrick county.  
 Auditor of Wayne county.  
 Auditor of White county.  
 Auditor of Whitley county.

Total, 56.

Treasurer of Allen county.  
 Treasurer of Bartholomew county.  
 Treasurer of Benton county.  
 Treasurer of Brown county.  
 Treasurer of Carroll county.  
 Treasurer of Dearborn county.  
 Treasurer of Delaware county.  
 Treasurer of Fayette county.  
 Treasurer of Fountain county.  
 Treasurer of Franklin county.  
 Treasurer of Grant county.  
 Treasurer of Hancock county.  
 Treasurer of Harrison county.  
 Treasurer of Hendricks county.  
 Treasurer of Huntington county.  
 Treasurer of Jackson county.  
 Treasurer of Jasper county.  
 Treasurer of Jay county.  
 Treasurer of Jefferson county.  
 Treasurer of Jennings county.  
 Treasurer of Lagrange county.  
 Treasurer of Laporte county.  
 Treasurer of Lawrence county.  
 Treasurer of Marshall county.  
 Treasurer of Martin county.



Treasurer of Monroe county.  
 Treasurer of Morgan county.  
 Treasurer of Newton county.  
 Treasurer of Ohio county.  
 Treasurer of Orange county.  
 Treasurer of Parke county.  
 Treasurer of Perry county.  
 Treasurer of Pike county.  
 Treasurer of Porter county.  
 Treasurer of Pulaski county.  
 Treasurer of Randolph county.  
 Treasurer of Ripley county.  
 Treasurer of Shelby county.  
 Treasurer of Starke county.  
 Treasurer of St. Joseph county.  
 Treasurer of Steuben county.  
 Treasurer of Switzerland county.  
 Treasurer of Vigo county.  
 Treasurer of Warren county.  
 Treasurer of Warrick county.  
 Treasurer of Wayne county.  
 Treasurer of White county.

Total, 47.

Clerk of Benton county.  
 Clerk of Cass county.  
 Clerk of Crawford county.  
 Clerk of Dubois county.  
 Clerk of Fountain county.  
 Clerk of Grant county.  
 Clerk of Hancock county.  
 Clerk of Henry county.  
 Clerk of Howard county.  
 Clerk of Huntington county.  
 Clerk of Jackson county.  
 Clerk of Hendricks county.  
 Clerk of Jay county.  
 Clerk of Lagrange county.  
 Clerk of Laporte county.  
 Clerk of Lawrence county.  
 Clerk of Marshall county.  
 Clerk of Martin county.

Clerk of Morgan county.  
 Clerk of Newton county.  
 Clerk of Ohio county.  
 Clerk of Orange county.  
 Clerk of Owen county.  
 Clerk of Parke county.  
 Clerk of Perry county.  
 Clerk of Pike county.  
 Clerk of Porter county.  
 Clerk of Pulaski county.  
 Clerk of Randolph county.  
 Clerk of Ripley county.  
 Clerk of Starke county.  
 Clerk of St. Joseph county.  
 Clerk of Switzerland county.  
 Clerk of Union county.  
 Clerk of Vanderburgh county.  
 Clerk of Wayne county.  
 Total, 36.

Sheriff of Allen county.  
 Sheriff of Bartholomew county.  
 Sheriff of Carroll county.  
 Sheriff of Crawford county.  
 Sheriff of Daviess county.  
 Sheriff of Fulton county.  
 Sheriff of Hancock county.  
 Sheriff of Hendricks county.  
 Sheriff of Jackson county.  
 Sheriff of Jay county.  
 Sheriff of Jennings county.  
 Sheriff of Lagrange county.  
 Sheriff of Laporte county.  
 Sheriff of Ohio county.  
 Sheriff of Parke county.  
 Sheriff of Perry county.  
 Sheriff of Pike county.  
 Sheriff of Pulaski county.  
 Sheriff of Randolph county.  
 Sheriff of Shelby county.  
 Sheriff of Starke county.  
 Sheriff of St. Joseph county.

Sheriff of Steuben county.  
 Sheriff of Union county.  
 Sheriff of Vanderburgh county.  
 Sheriff of Warren county.  
 Sheriff of Warrick county.

Total, 27.

Very respectfully submitted,

M. D. MANSON,  
 Auditor of State.

Which was laid on the table for the present.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed House concurrent resolution No. 1, and the same is herewith returned to the House.

I am further directed by the President of the Senate to inform the House that he has signed House concurrent resolution No. —, concerning the pay of officers and employes of the House of Representatives, and the same is herewith returned to the House of Representatives.

D. D. DALE, Secretary.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate concurrent resolution No. 13, and the same is hereby transmitted to the House for its action thereon.

D. D. DALE, Secretary.

Mr. Foster offered the following resolution:

*Resolved by the Senate (the House of Representatives concurring),*  
 That our Senators and Representatives in Congress are respectfully requested at the earliest day practicable, to use their best endeavors to secure the passage by Congress of a law preventing the unfair discrimination on the part of railways and other transportation companies in the different States in rates against shippers, and to protect shippers against loss by reason of frequent change in rates of transportation.

Which was referred to the committee on federal relations.



The following message was received from the Senate :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 277, an act concerning interest on money.

And the same is herewith submitted to the House of Representatives for its action thereon.

D. D. DALE, Secretary.

Engrossed Senate bill No. 277, entitled an act concerning interest and usury.

Read the first time.

Mr. Humphreys moved that the constitutional rules be suspended, and that Senate bill No. 277 may be read the second time.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Compton, Confer, Connaway, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Vanpelt, Vawter, Works and Mr. Speaker—78.

No one voting in the negative.

The constitutional rule was suspended and Engrossed Senate bill No. 277 was read the second time and referred to the committee on the judiciary.

The following message was received from the Senate :

MR. SPEAKER :

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled Senate bill No. 4, "an act to repeal an act entitled an act to establish a superior court in the county of Wayne, defining its jurisdiction and providing for

the election and compensation of the judge thereof, approved March 10, 1877, and providing for the transfer of business pending in said court to the circuit court of said county.”

I am further directed by the President of the Senate to inform the House of Representatives that he has signed Senate enrolled bill No. 51.

I am further directed by the President of the Senate to inform the House of Representatives that he has signed Senate enrolled concurrent resolution No. 7, concerning judgments entered in the federal courts, etc.

And I am further directed by the President of the Senate to inform the House of Representatives that he has signed Senate enrolled concurrent resolution No. 2, concerning the regulating of inter-state commerce.

And the same are herewith submitted to the House of Representatives.

D. D. DALE, Secretary.

The Speaker informed the House that he had signed enrolled act No. 4, concurrent Senate resolution No. 2, concurrent resolution No. 7 and enrolled act No. 51.

House Bill No. 540. Introduced by Mr. Briggs, was read the second time and referred to the committee on roads.

House Bill No. 535. Introduced by Mr. Gordon, was read the second time and referred to the committee on sanitary affairs.

House Bill No. 527. Introduced by Mr. Cauthorn, was read the second time and referred to the committee on the judiciary.

House Bill No. 534. Introduced by Mr. Gordon, was read the second time and referred to the committee on the judiciary.

House Bill No. 526. Introduced by Mr. Faulkner, was read the second time and referred to the committee on the organization of courts.

House Bill No. 525. Introduced by Mr. Miers, was read the second time and referred to the committee on fees and salaries.

House Bill No. 538. Introduced by Mr. Herod, was read the second time and referred to the committee on education.

House Bill No. 537. Introduced by Mr. Willard, was read the second time and referred to the committee on the organization of courts.

House Bill No. 539. Introduced by Mr. Herod, was read the second time and referred to the committee on the judiciary.

House Bill No. 541. Introduced by Mr. Bearss, was read the second time and referred to the committee on the judiciary.

House Bill No. 530. Introduced by Mr. Connor, was read the second time and referred to the committee on agriculture.

House Bill No. 536. Introduced by Mr. Willard, was read the second time and referred to the committee on statistics and emigration.

House Bill No. 528. Introduced by Mr. Miers, was read the second time and referred to the committee on fees and salaries.

House Bill No. 529. Introduced by Mr. Perry, was read the second time and referred to the committee on county and township business.

House Bill No. 531. Introduced by Mr. Connor, was read the second time and referred to the committee on agriculture.

House Bill No. 532. Introduced by Mr. Gordon, was read the second time and referred to the committee on education.

House Bill No. 533. Introduced by Mr. Gordon, was read the second time and referred to the committee on the judiciary.

The following communications were received from the Governor:

THE STATE OF INDIANA, GOVERNOR'S OFFICE,  
INDIANAPOLIS, FEBRUARY 11, 1879.

SIR: I have this day received concurrent resolutions numbered 1 and 2, originating in the House of Representatives, and have caused them to be deposited in the office of the Secretary of State.

Respectfully,

JAMES D. WILLIAMS.

To the Speaker of the House of Representatives.

GOVERNOR'S OFFICE, FEBRUARY 12, 1879.

*To the House of Representatives :*

I respectfully transmit, as therein requested, a copy of certain joint resolutions of the General Assembly of Alabama, approved January 25, 1879.

JAMES D. WILLIAMS.



JOINT RESOLUTIONS OF THE GENERAL ASSEMBLY OF ALABAMA,  
 REQUESTING OUR SENATORS AND REPRESENTATIVES IN CON-  
 GRESS TO URGE THE ENACTMENT OF SUCH LAWS AS MAY  
 BE NECESSARY TO PREVENT THE EXERCISE OF JURIS-  
 DICTION BY THE COURTS OF THE UNITED STATES  
 IN CERTAIN PROCEEDINGS AGAINST MUNIC-  
 IPAL CORPORATIONS IN THE  
 SEVERAL STATES.

WHEREAS, Municipal corporations, namely, counties, cities and towns as organized in the State of Alabama and in other States, are integral parts of the State itself, and of the government thereof, and in so far as such corporations exercise power, particularly the power to levy taxes, such power is part and parcel of the sovereign authority of the State in its highest prerogative; and

WHEREAS, By the eleventh article of the Constitution of the United States, which declares, "that the judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another state, or by citizens or subjects of any foreign state," it was especially designed to protect the states and state governments against any interference or control by the Federal judicial power in the exercise of their reserved rights; including the taxation of their citizens, for any purpose other than Federal purpose; and

WHEREAS, The jurisdiction asserted by the courts of the United States, in suits against municipal corporations, to compel such corporations by writ of mandamus to exercise the sovereign power of levying taxes, thereby subjecting the officers of such corporations, who should be responsible alone to state authority, to the control of Federal judicial power, and thus invading the exclusive jurisdiction of the state over its own officers, in a matter, which is the highest attribute of sovereignty, is, in the opinion of this General Assembly, opposed to the spirit and purpose of the constitution, and especially of the clause above mentioned, and is an improper and unseemly interference by the Federal judicial power in the exercise of the taxing power vested by the states in such integral parts of the state government; and

WHEREAS, The continued exercise of such jurisdiction will doubtless lead in the future, as it has in the past, to unseemly conflicts between Federal and State authority, detrimental to that respect for law and established authority, which is the foundation of society and free government; and

WHEREAS, This General Assembly observes, with great joy, an increasing respect and reverence throughout the land for the form of government established by the Fathers, and believe that it is the paramount will of all the people that this form of government shall be maintained in its true spirit, intact forever, and to accomplish this purpose the harmonious co-operation of state and federal authority, under the constitution of the United States, is indispensable; therefore, be it

*Resolved by the General Assembly of Alabama,* That our Senators in Congress and our Representatives be requested to urge the enactment of such laws as may be necessary to prevent the exercise of jurisdiction by the courts of the United States in proceedings against municipal corporations in the several states in the manner complained of.

*Resolved,* That the Governor be requested to forward a copy of the foregoing preamble and resolution to the Senators and to each of the Representatives from this state in Congress.

*Resolved,* That the Governor be requested to forward a copy of the foregoing preamble and resolutions to the Governor of each of the several states, with the request that the same be laid before the General Assembly of such state, for such action as may be deemed expedient.

W. G. LITTLE, Jr.,

President of the Senate.

DAVID CLOPTON,

Speaker of House of Representatives.

Approved January 25, 1879.

R. W. COBB, Governor.

Which resolution was referred to the committee on federal relations.

GOVERNOR'S OFFICE, FEBRUARY 12, 1879.

*To the House of Representatives:*

I respectfully transmit a copy of a joint resolution of the General Assembly of the State of Tennessee, adopted January 15, 1879, expressing thanks to contributions for benefactions to their people, during the prevalence of yellow fever.

J. D. WILLIAMS.

## STATE OF TENNESSEE.

## SENATE JOINT RESOLUTION NO. 17.

WAEREAS, During the past year, an epidemic of unprecedented malignity, prevailed in a large portion of our State, destroying the lives of thousands of our fellow citizens; and

WHEREAS, During this season of our great distress and want, the people from all parts of our common country, North, South, East and West, as well as from Europe, moved with a noble spirit of charity and philanthropy, came to our assistance with contributions of money, nurses and physicians; in fine, everything that would tend to check the march of the destroyer, as far as human power could stay it, and alleviate the sufferings of our people; therefore, be it

*Resolved by the General Assembly of the State of Tennessee,* That we, the representatives of the people, desire to acknowledge our heartfelt thanks and gratitude for these noble benefactions to the people everywhere who bestowed them, and to express our highest admiration and regard for these high evidences of that greatest of christian virtues, charity, which prompted this action.

*Resolved,* That conspicuous among those who lost their lives, among the many noble martyrs, was Lt. H. H. Benner of the U. S. Army, who commanded the relief boat sent from the northwest down the Mississippi river, with supplies for the sufferers at Memphis and other contiguous points.

*Resolved further,* That the General Assembly heartily approve of the action of the State Treasurer, under the advice of the Governor, in the timely and efficient aid extended to that portion of the State that was stricken by the late dreadful scourge.

*Resolved,* That the Clerk of the Senate prepare copies for transmission to the Governors of the various States and Territories.

Adopted January 15, 1879.

J. R. NEAL,  
Speaker of the Senate.

H. P. FOWLKES,  
Speaker of the House of Representatives.

Approved January 17, 1879.

A. S. MARKS, Governor.

Which was received and ordered to lie on the table.



Engrossed House bill No. 7, read the third time and put upon its passage.

Mr. Overmyer submitted the following amendment to House bill No. 7:

Amend by striking out sections 4 and 22, and strike out the word "one" in line 10 in section 18 and insert the word "ten." Also amend by striking out all of section 19 after the word "district" in line 2 and insert the following: "And for his services shall receive the following fees: For inspecting of each coal mine a fee of five dollars for each inspection of said mine, to be paid by the owner of the mine, but no more than two inspections shall be had in any one year. Said fees to be collected without relief from valuation laws, by fee bill issued by said inspector to the sheriff of the proper county."

Which was agreed to by unanimous consent and the bill considered engrossed as amended.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Campbell, Carey, Compton, Confer, Connor, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Vampelt, Vawter, Watson, Works and Mr. Speaker—79.

Messrs. Bryant and Connaway voting no.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

So ordered.

Engrossed House bill No. 9 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Carey, Confer, Connaway, Connor, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Vanpelt, Vawter, Watson, Works and Mr. Speaker—81.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

Mr. Sleeth moved to strike out the words "roads or."

Which was agreed to.

And the title as amended was agreed to.

Mr. March from the committee on the judiciary submitted the following report.

MR. SPEAKER:

The judiciary committee to whom was referred Senate bill No. 277, entitled "an act concerning interest on money and usury," have had the same under consideration and direct me to report the same back and recommend that it be amended as follows:

Strike out all after the enacting clause and insert the following; and when so amended they recommend that it do pass.

Mr. Herod moved that the report of the committee do lie on the table, and that two hundred copies of the bill and report be printed for the use of the members.

On the motion to lay on the table, Messrs. Allen and Humphreys demanded the ayes and noes.

The roll was called.

31—H. J.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Steuben, Campbell, Carey, Compton, Connaway, Connor, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Ginz, Golden, Harland, Herod, Hess, Hopkins, Hosmer, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thompson, Vawter, Watson, Works and Mr. Speaker—60.

Those who voted in the negative were: Messrs. Blockley, Briggs, Brown of Jasper, Bryant, Confer, Dalton, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hart, Hubbard, Humphreys, Kester, Mitchell, Perry, Shauck, Shields, Shutt, Stucker, Vanpelt—22.

The motion was agreed to.

Engrossed House bill No. 17 was read the third time.

Mr. Shanks moved to amend by striking out the date in the bill. Which was agreed to by unanimous consent.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Steuben, Campbell, Carey, Compton, Confer, Connaway, Connor, Dalton, Davidson, Davis, Donnell, Drake, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Johnston, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Reed, Reichelderfer, Robeson, Rooker, Scholl, Shanks, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Vanpelt, Watson and Works—60.

Those who voted in the negative were: Messrs. Alden, Brown of Jasper, Bryant, Handy, Harland, Humphreys, Huthsteiner, Kester, Nave, Overmyer, Owen, Perry, Rodman, Saint, Schweitzer, Vawter and Mr. Speaker—17.

The bill passed.



The question being, shall the title of the bill as read, stand for the title of the act?

Which was agreed to.

On motion of Mr. Faulkner the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## THURSDAY MORNING.

FEBRUARY 13, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The House was opened with prayer by the Hon. Mr. Hubbard, the member from Henry county.

The journal of yesterday was read in part, when, on motion of Mr. Faulkner, the further reading of the journal was dispensed with.

Mr. Overmyer moved to reconsider the vote by which the resolution of Mr. Osborn, of Elkhart, on fees and salaries was adopted.

Mr. Allen moved to lay the motion of Mr. Overmyer on the table.

Messrs. Overmyer and Owen demanded the ayes and noes on Mr. Allen's motion.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lehman, Lindley, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Warrick, Thayer, Thompson, Vanpelt, Van Valzah, Watson, Wimmer, Works and Mr. Speakr—61.

Those who voted in the negative were: Messrs. Arnold of Washash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Copeland, Donnell, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, March, Messick, Overmyer, Owen, Robeson, Robinson, Rodman, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thornburg, Tulley, Vawter and Willard—31.

The motion was agreed to.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 195, entitled "an act for the relief of the estate of John P. Bishop and others, of Cass county," have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Scholl, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills, beg leave to report, that they have examined House bills Nos. 38, 12, 132, 88, 174, 455, 497, 131, 214, 453, 59, 228, 5, 386, 498, 30 and 168, and find them correctly engrossed; also, that they have examined House bill No. 391, and find it correctly engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 466, entitled an act authorizing county commissioners to make appropriations for the relief of citizens of their counties, have had the same under consideration and direct me to report the bill back, with the recommendation that it do pass.

Mr. Osborn moved that the report and bill be indefinitely postponed.

Mr. Allen moved the previous question.

Which was seconded.

The question recurring on the motion of Mr. Osborn, Messrs. Carey and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Carter, Cunningham, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Ginz, Handy, Hart, Hosmer, Humphreys, Johnston, Kester, Lindley, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Shauck, Shutt, Stucker, Taylor of Warrick, VanValzah and Wimmer—39.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Brown of Steuben, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Dailey, Donnell, Garrouette, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kirkpatrick, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Works and Mr. Speaker—57.

The motion to indefinitely postpone was not agreed to.

Mr. Overmyer moved to recommit House bill No. 466, to the committee on county and township business.

Which was agreed to.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 290, have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that it do pass.

Report concurred in.

Mr. Sleeth offered the following amendment to House bill No. 290:

Amend by striking out the words, "or shall be the duty of the county commissioners," and insert "the county commissioners may."

Which was not agreed to.

The question recurring on the engrossing of the bill.

It was so ordered.



Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 183, have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that it be indefinitely postponed.

The question being on concurring in the report of the committee on county and township business on House bill No. 183.

Messrs. Major and Miers demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Compton, Connaway, Connor, Copeland, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Flodder, Gar-route, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Messick, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rooker, Scholl, Shauck, Skinner, Stevens, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vawter and Watson—58.

Those who voted in the negative were: Messrs. Brown of Steuben, Carter, Confer, Cunningham, Dailey, Faulkner, Galbraith, Handy, Hubbard, Johnston, Lehman, Lindley, Major, March, Miers, Mitchell, Osborn of Vermillion, Reichelderfer, Rodman, Saint, Schweitzer, Shanks, Shields, Shutt, Snoddy, Stucker, Thayer, Thompson, Tulley, Vanpelt, Willard, Wimmer, Works and Mr. Speaker—34.

The report was concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 447, have had the same under consideration and have instructed me to report the same back to the House, with the recommendation that it do pass.

Mr. Tulley moved to lay the report and bill on the table.

Which was agreed to.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 437, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that the same be referred to the committee on education.

Report concurred in.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture, to whom was referred House bill No. 482, prescribing what kind of judgments shall be rendered in civil actions, herewith return the same, with a recommendation that the bill do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture, to whom was referred House bill No. 493, "an act to prevent breachy animals from running at large," herewith return said bill, with a recommendation that the same do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture, to whom was referred House bill No. 475, to authorize county commissioners to purchase lands for holding county fairs thereon, have had the same under consideration, and recommend that the bill do lie on the table.

Which report was concurred in.

Mr. Davidson, from the committee on agriculture, submitted the following report:

Mr. SPEAKER:

Your committee on agriculture, to whom was referred House bill No. 406, have had the same under consideration, and have directed me to report the same back with the recommendation that it lie on the table, and beg leave to offer in lieu thereof the following which is herewith submitted, and unanimously recommend its passage.

House Bill No. 544. Introduced by the committee on agriculture, entitled "An act to amend an act entitled an act for the protection of sheep."

Read the first time.

Mr. Johnston moved that the constitutional rules be suspended and that House bill No. 544 may be read the second time.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Carter, Compton, Confer, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Flodder, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shutt, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Wimmer, Works and Mr. Speaker—77.

Those who voted in the negative were: Messrs. Arnold of Wabash, Connaway, Copeland, Cunningham, Faulkner, Galbraith, Humphreys, Robeson, Shields, Watson and Willard—11.

The constitutional rules were suspended.

House Bill No. 544. Introduced by the committee on agriculture.

Read the second time.

Mr. Miers moved to amend House bill No. 544, by inserting after the words "or member of his family in line," the following:

Or any person having the dog under his control by the owner's permission.

Which was agreed to.



On motion of Mr. Johnson, House bill No. 544, as amended, was ordered to be engrossed.

On motion of Mr. Garrouette, the House adjourned until 2 o'clock P. M.

---

## AFTERNOON SESSION.

FEBRUARY 13, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The call of committees for reports was resumed.

Mr. Overmyer was granted leave of absence.

Mr. Taylor, from the committee on corporations, submitted the following report:

MR. SPEAKER:

Your committee on corporations, to whom was referred House bill No. 203, "a bill to enable incorporated cities to aid in construction of railroads and other roads," have had the same under consideration and have directed me to report the same back to the House with the recommendation that the said bill do pass.

On motion of Mr. Copeland, the report and bill was laid on the table.

Mr. Taylor, from the committee on corporations, submitted the following report:

MR. SPEAKER:

Your committee on corporations, to whom was referred House bill No. 444, by Mr. Taylor, of Daviess, "an act defining warehousemen and warehouse receipts," have had the same under consideration, and have directed me to report the same back to the House with the recommendation that said bill do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Works, from the committee on enrolled bills submitted the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled act No. 140, House of Representatives, with the engrossed bill, and find the same correctly enrolled.

The Speaker announced that he had signed enrolled act No. 140, of the House of Representatives.

Mr. Taylor, from the committee on corporations, submitted the following report:

MR. SPEAKER:

Your committee on corporations, to whom was referred House bill No. 114 and amendments thereunto proposed, being "an act to legalize and make valid the organization of certain building, loan and saving associations," have had both the bill and amendment under consideration and have directed me to report the same back to the House with the recommendation that the bill be amended by striking out section 2 therein, which will also dispose of the proposed amendment, and that when the bill be so amended it do pass.

The report was concurred in and the bill ordered engrossed.

Mr. Taylor, from the committee on corporations, submitted the following report:

MR. SPEAKER:

Your committee on corporations, to whom was referred House bill No. 253, by Mr. Osborn, of Elkhart, entitled "an act providing for the execution and acknowledgment of official bonds," have had the same under consideration and have directed me to report the same back to the House with the recommendation that said bill do pass.

The report was concurred in and the bill ordered to be engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns to whom was referred House bill No. 231, entitled "An act to legalize the incorporation of the town of Auburn, DeKalb county, Indiana," have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns to whom was referred House bill No. 303, entitled "An act to legalize the acts and proceedings of the boards of trustees and other officers of the town of Tell City, Indiana," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Sleeth moved that House bill No. 144, be recommitted to the committee on temperance.

Which was agreed to.

Mr. Herod presented a memorial of the city of Indianapolis.

Which was referred to the committee on claims.

Mr. Osborn moved that the House take up the business on the Speaker's table.

Which was agreed to.

Mr. Carter presented the claim of B. Rosenthal & Co.

Which was referred to the committee on claims.

The following communication was received from the Attorney General:

OFFICE OF ATTORNEY GENERAL,  
INDIANAPOLIS, FEBRUARY 13, 1879.

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives, passed on the 8th inst., instructing me to investigate the condition of the security held by the State for the \$25,000 advanced to the Indiana State Agricultural Society, by the last Legislature, and to report all the facts, and whether any legislation is necessary to protect the interest of the State, and herewith submit my reply. The money appropriated by the last Legislature has been paid to the State Board, and a deed of trust taken by the State, W. A. F. Dunn, Esq., being the trustee, to secure the advancement.

I find that on June 1st, 1876, the society issued \$60,000 of bonds payable five years after date and bearing interest at 8 per cent., and conveyed all their real estate, being the same conveyed for the security of the advancement made by the State to W. H. Morrison,



Esq., to secure the payment of said bonds. These bonds are yet outstanding. There is also a lien of \$140 for a street improvement assessed against the property yet unpaid. The lien of the State is junior to the \$60,000 lien, and to protect the interest of the State she would have to take up those bonds. I understand that the society is wholly unable to meet their indebtedness, and it is a question for the legislative department to determine whether the State should assume the prior lien or lose the advancement made.

I have the honor to be,

Very respectfully,

T. W. WOOLLEN, Attorney General.

Which was, on motion, referred to the committee on ways and means.

Messrs. Willard, Edwins, Taylor of Daviess, Tulley, Caldwell, Dailey and Wimmer being absent, by permission, announced that if they had been present at the third reading of bill No. 7, relative to mines, would have voted aye on its passage.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 6.

Also, engrossed Senate bill No. 9.

Also, engrossed Senate bill No. 12.

Also, engrossed Senate bill No. 16.

Also, engrossed Senate bill No. 22.

Also, engrossed Senate bill No. 23.

Also, engrossed Senate bill No. 60.

Also, engrossed Senate bill No. 80.

Also, engrossed Senate bill No. 136.

Also, engrossed Senate bill No. 158.

Also, engrossed Senate bill No. 280.

Also, engrossed Senate bill No. 303.

Also, engrossed House bill No. 140.

And the same are herewith submitted to the House for its action thereon.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in House resolution No. —, with certain amendments thereto as follows:

Amend the resolution by adding thereto the following:

*Resolved, further,* That the action of the Senate in purchasing Revised Statutes for the use of the members thereof is also voted paid, but the Statutes shall be the property of the State, and the President of the Senate is authorized to draw his warrant for the same.

And the same is hereby returned to the House for its further action thereon.

Mr. Lehman moved to reconsider the vote of the House taken on the concurrent resolution of the Senate to pay for the Statutes.

On motion to reconsider Messrs. Tulley and Willard demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Davidson, Davis, Donnell, Edwins, Ginz, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Kelly, Kester, Lehman, Miers, Nave, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Watson and Mr. Speaker—46.

Those who voted in the negative were: Messrs. Briggs, Bryant, Compton, Confer, Copeland, Cunningham, Dailey, Dalton, Drake, Drover, English, Faulkner, Flodder, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Huthsteiner, Johnston, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Perry, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stevens, Stucker, Tulley, Vanpelt, Vawter, Willard, Wimmer and Works—46.

The motion to reconsider was not agreed to.

Mr. Allen was granted leave of absence until to-morrow at 10 o'clock A. M.

Mr. Handy presented a petition from the citizens of Hancock county.

Which was referred to the committee on military affairs.

Mr. Humphreys presented a petition from the citizens of Greene county on temperance.

Which was referred to the committee on temperance.

Mr. Saint presented a petition from the citizens of Henry county.

Which was referred to the committee on temperance.

The following message was received from the Senate, by the Secretary thereof.

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed House enrolled bill No. 140, and the same is herewith returned to the House.

Mr. Tulley moved that the House refuse to concur in that part of the concurrent resolution which refers to the statutes, and that a committee of conference be appointed to confer with the Senate on the subject that refers to employes of the House.

Which was agreed to.

The Speaker appointed Messrs. Tulley and March as such committee.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate engrossed bill 268.

Also, engrossed bill No. 379.

And the same are herewith transmitted to the House of Representatives for its action thereon.

Mr. Caldwell moved for a call of the House.

Which was so ordered.

Those who answered to their names were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess,



Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Meirs, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—93.

Mr. Caldwell moved to take up House bill No. 340, and put it upon its passage.

Which was agreed to.

Engrossed House Bill No. 340 was read the third time and put upon its passage.

The question being, shall the bill pass?

Mr. Lehman demanded the previous question, which was seconded.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—56.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Connaway, Connor, Copeland, Donnell, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Osborn of Vermillion, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—38. .

Mr. Kirkpatrick entered his protest against the bill, and voted no.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

So ordered.

Mr. Edwins moved that House bill No. 214 be taken up and read the third time and put upon its passage.

Which was not agreed to.

Engrossed Senate Bill No. 9, entitled "An act to promote the science of medicine and surgery by providing methods whereby human subjects for anatomical and scientific dissection and experiment may be lawfully obtained, and prescribing penalties for violation thereof."

Read the first time.

Engrossed Senate Bill No. 6, entitled "An act legalizing the acknowledgement and recording of certain instruments."

Read the first time.

Engrossed Senate Bill No. 12, entitled "An act concerning the trial of civil causes in the circuit and superior courts of this State."

Read the first time.

Engrossed Senate Bill No. 16, entitled "An act in reference to changes of venue in cases of preliminary examinations for felonies before justices of the peace and other committing officers."

Read the first time.

Engrossed Senate Bill No. 22, entitled "An act to legalize the acts of the boards of trustees of the town of New Haven, in Allen county, and other towns in the State, incorporated under the general laws of the State, for the incorporaiton of towns, in the levy and assessment of taxes for towns and other purposes for the years 1874, 1875, 1876, 1877 and 1878."

Read the first time.

Engrossed Senate Bill No. 23, entitled "An act to legalize the acts of the common council and the mayor of the town of Huntington, Huntington county, Indiana, and all other officers of said corporation, under an act to amend section 5 of an act to incorporate the town of Huntington, approved March 7, 1873, and declaring an emergency."

Read the first time.

Engrossed Senate Bill No. 60, entitled "An act to amend sections 6, 7, 44 and 45 of an act entitled an act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the courts of common pleas and transferring the business thereof to the circuit courts thereof, and providing for the election of judges and prosecuting attorneys in certain cases, approved March 6, 1873, and providing for the transaction of business in the judicial circuits created in this act."

Read the first time.

Engrossed Senate Bill No. 280, entitled "An act supplemental to an act to establish public libraries, approved February 16, 1852, defining the powers and duties of township trustees in relation to libraries established for the use and benefit of all the inhabitants of a township by private donation."

Read the first time.

Engrossed Senate Bill No. 136, entitled "An act in relation to the use of human bodies for the purpose of dissection; to require a record thereof to be kept, and to prevent the unlawful possession or dissection of such bodies and the violation of graves."

Read the second time.

Engrossed Senate Bill No. 158, entitled "An act concerning married women."

Read the first time.

House Bill No. 543. Introduced by Mr. Dailey, was read the second time and referred to the committee on elections.

Engrossed House Bill No. 35, was read the third time, and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Dalton, Davidson, Davis, Donnell, Edwins, Flodder, Galbraith, Golden, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Mitchell, Osborn of Vermillion, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Shauck, Shields,



Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thornburg, Vanpelt, Watson and Wimmer—58.

Those who voted in the negative were: Messrs. Blockley, Briggs, Brown of Jasper, Carter, Copeland, Cunningham, Dailey, Drake, English, Faulkner, Garrouette, Ginz, Handy, Lehman, Messick, Miers, Nave, Osborn of Elkhart, Perry, Rooker, Saint, Scholl, Schweitzer, Sleeth, Taylor of Warrick, Thompson, Tulley, Vawter, Willard, Works and Mr. Speaker—30.

The bill passed.

The question being shall the title of the bill as read stand for the title of the act?

Which was agreed to.

Engrossed Senate Bill No. 303, entitled "An act to amend section 1 of an act entitled an act to enable farmers and citizens of any county in the State of Indiana to form voluntary associations for the purpose of insuring their property against losses by fire or lightning, and all other matters connected therewith, and enable them to sue and be sued by their corporate name, approved March 14, 1877."

Read the first time.

On motion of Mr. Wimmer the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## FRIDAY MORNING.

FEBRUARY 14, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Mr. Major, the member from Morgan.

The Journal of yesterday was read in part, when, on motion of Mr. Edwins, the further reading was dispensed with.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 187, "an act defining the meaning of the second section of an act to provide for the relocation of county seats and the erection of public buildings, approved March 2, 1853," have had the same under consideration and direct me to report the same back to the House, with the recommendation that the same be amended by striking out the word "county" where it occurs in line 1, page 2, in line 8 of page 3, and in line 5 of the title, and inserting in lieu thereof the word "public;" also, by striking out the word "said" where it occurs in lines 2 and 7 of page 4 and inserting the word "such;" also, by striking out the words "explicit and" in line 12 of page 2; also, by inserting after the word "whole" in line 6 of page 4 the words "number of;" also, by striking out the words "the highest number of votes cast for any county, state or national office at the election" in lines 9, 10, 11 and 12 of page 4 and inserting the words "all legal ballots cast at the general election in said county at which a Congressman was voted for;" also, by striking out the words "at which a member of Congress is to be elected" in lines 2, 3 and 4 of page 5.

And that when so amended that the bill do pass.

Report concurred in and the bill as amended ordered engrossed.

The Auditor of State submitted the reports of several county officers.

Which were laid on the table with previous report.

The committee on education was granted leave of absence for Saturday and Monday.

Messrs. Taylor of Warrick, Taylor of Lagrange, Mitchell, Dailey and Huthsteiner were granted leave of absence to accompany the committee on education.

Mr Allen, who was absent on leave yesterday, asked that his vote might be recorded "aye," on House bill No. 340.

Which was granted.

#### SPECIAL ORDER.

The hour having arrived for the consideration of the resolution on fees and salaries.

On motion of Mr. Osborn, the House went into a committee of the whole, with Mr. Caldwell in the chair.

Mr. Caldwell, from the committee of the whole, reported progress, and asked leave to meet again at 2 o'clock P. M.

On motion of Mr. Allen, the House adjourned until 2 o'clock P. M.

---

### AFTERNOON SESSION.

FEBRUARY 14, 1879.

The House met pursuant to adjournment, with the speaker in the chair.

Messrs. Ginz and Caldwell were granted leave of absence until Tuesday.

The committee on reformatory institutions were granted leave of absence during Monday.

Mr. Thornburg was granted leave of absence until Tuesday.

House Bill No. 545. Introduced by Mr. Shanks, entitled "A bill to provide for the purchase of certain lands therein named, to protect the State against loss and to encourage the agricultural, horticultural and mechanical interest of the State of Indiana."

Read the first time.

House Bill No. 546. Introduced by Mr. Golden, entitled "An act to amend an act entitled an act to amend the first section of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of their officers, declaring their duties, approved June 11, 1852, approved March 2, 1855, approved March 1, 1877, to repeal all laws in conflict herewith and declaring an emergency."

Read the first time.

House Bill No. 547. Introduced by Mr. Golden, entitled "An act to amend sections 1 and 3 of an act entitled an act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and to



purchase grounds and buildings for school purposes; to pay debts contracted for such purposes; to levy an additional special tax therefor, and declaring an emergency."

Read the first time.

House Bill No. 548. Introduced by Mr. Golden, entitled "An act to amend section 1 of an act entitled an act to authorize township trustees, trustees of incorporated towns and the common council of cities to levy a tax for school purposes, approved March 9, 1869, and declaring an emergency."

Read the first time.

House Bill No. 549. Introduced by Mr. Briggs, entitled "An act to amend section 5 of an act entitled an act to provide for the more speedy trials of causes and facilitate the transaction of business in courts; to provide for judges to try causes, and fix their compensation in certain cases therein named; to authorize adjourned terms of court and enlarge the jurisdiction in certain specified cases, repealing conflicting provisions in other acts and declaring an emergency, approved March 7, 1877, and declaring an emergency."

Read the first time.

Mr. Johnston presented a petition from citizens of Wells county. Which was referred to the committee on fees and salaries.

Mr. Hess presented a petition from citizens of Wabash county. Which was referred to the committee on military affairs.

On motion of Mr. Edwins, the House went into the committee of the whole, with Mr. Caldwell in the chair.

Mr. Caldwell, chairman of the committee of the whole House, made the following report:

MR. SPEAKER:

Your committee of the whole House, to whom was referred the resolution of Mr. Osborn, of Elkhart, and the amendment thereto by Mr. Lindley, of Hamilton, in relation to fees and salaries, and House bill No. 113, having again had the same under consideration, and instructed me to report to the House that they recommend that said resolution and amendments be adopted by the House, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Thayer moved that the committee on fees and salaries be instructed to report House bills Nos. 113 and 344 to the House to-morrow morning for its action.

Mr. Miers moved to amend by making it Tuesday next.

Which amendment was accepted.

The motion, as amended, was adopted.

On motion of Mr. Tulley, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## SATURDAY MORNING.

FEBRUARY 15, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The House was opened with prayer by the Rev. Mr. Bridges, of Indianapolis.

The Journal of yesterday was read in part, when, on motion of Mr. Tulley, the further reading was dispensed with.

Mr. Lehman moved that the House proceed to the call of the counties.

Which was not agreed to.

Mr. English, from the committee on the affairs of the city of Indianapolis, submitted the following majority report:

Mr. SPEAKER:

Your committee on the affairs of the city of Indianapolis, to whom was referred House bill No. 295, have had the same under consideration, and have directed me to report the same back to the House with the following amendments:

Section —. Any person or persons, or corporations or common council, or other municipal township, county or state officer or officers, who shall, in any manner, interfere or interrupt the board of metropolitan police of such city in any act of theirs, or of the police force herein authorized to be created, or shall prevent such board or force from discharging their duties as defined in this act, shall, upon conviction before the mayor or city judge, or before the circuit

court of said county, be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned for not less than thirty nor more than ninety days, for such separate offense.

Section —. The board of police, whenever it shall seem to them discreet, may, on the application of any person or persons showing the necessity thereof, appoint and swear in any number of additional patrolmen to do duty at any place within said city, at the charge and expense of the persons by whom the application shall be made, and the patrolmen so appointed shall perform duty only at the place designated by said board, shall continue in office at the pleasure of said board for a term not exceeding one year, shall be subject to and obey the orders, rules and regulations of said board, and conform to the general discipline of the police force of such city and to such special regulations as may be made by such board for their government, and the persons so appointed may be removed at any time by the board of police. The board of police may also upon emergency or mob, pestilence, invasion, or during any day of public election or celebration, appoint as many special patrolmen from among the citizens as it may deem advisable, and for a specified time, and during the term of service of such special patrolmen they shall possess the power and privileges and perform all the duties of patrolmen of the force herein created, and shall receive such compensation not exceeding two dollars per day as said board may prescribe.

And they further recommend that said bill when so amended do pass.

Mr. Herod moved that the bill and report be referred to a select committee of seven.

Mr. English moved to lay the motion on the table.

Messrs. Gordon and Sleeth demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Compton, Confer, Dailey, Dalton, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hart, Hosmer, Humphreys, Lehman, Nave, Osborn of Elkhart, Perry, Rooker, Scholl, Schweitzer, Shields, Stucker, Thompson, Tulley, Vanpelt, VanValzah, Willard and Works—39.



Those voting in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Donnell, Golden, Gordon, Harland, Herod, Hess, Hopkins, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Osborn of Vermillion, Owen, Reichelderfer, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Thayer, Vawter, Watson, Wimmer and Mr. Speaker—39.

The motion to lay on the table was not agreed to.

The question recurring on the motion of Mr. Herod.

Messrs. English and Willard demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Donnell, Golden, Gordon, Harland, Herod, Hess, Hopkins, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Owen, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Shanks, Skinner, Sleeth, Snoddy, Stevens, Thayer, Vawter, Watson, Wimmer, Works and Mr. Speaker—40.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Compton, Confer, Dailey, Dalton, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouthe, Handy, Hart, Hosmer, Humphreys, Lehman, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Saint, Scholl, Schweitzer, Shields, Stucker, Thompson, Tulley, Vanpelt, VanValzah and Willard—39.

The motion was agreed to.

The Speaker appointed the following members as the select committee: Messrs. Herod, Hopkins, Robeson, English, Van Valzah, Willard and Edwins.

Mr. Scholl, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills beg leave to report that they have examined House bills Nos. 444, 114, 390, 84, 179, 24, 160, 442, 424, 367 and 412, and find them correctly engrossed.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 4, "an act to amend an act authorizing county commissioners to construct gravel roads," have had the same under consideration and direct me to report the same back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 401, "an act to legalize certain parts of plats annexed to the city of New Albany," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Which was concurred in and the bill ordered engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 459, "an act to legalize the acts of boards of commissioners of Allen county," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Mr. Edwins moved that the report on House bill No. 459 do lie on the table.

Which was not agreed to.

The question recurring on the concurring in the report on House bill No. 459.

The same was concurred in and the bill ordered to be engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 502, entitled "An act to amend an act exempting certain lands from taxation," have had the same under consideration, and

direct me to report the same back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. English moved that the special committee on House bill No. 295 be instructed to report the bill back to the House on next Thursday, at 2 P. M., and made the special order for that time.

Which was agreed to.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 512, entitled "An act defining the manner in which property and lands in limits of cities and incorporated towns may be taxed for corporation purposes," have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed, for the reason that the passage of a similar bill has been recommended.

Which report was laid on the table.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 495, entitled "An act to repeal an act exempting certain lands," etc., have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 139, entitled, "an act to change the time when city taxes shall become due," have had the same under consideration, and direct me to report the bill back to the House, with the recommendation that it do lie on the table.

Which was concurred in.



Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 469, entitled, "an act to prohibit the sale of county orders," have had the same under consideration, and direct me to report the bill back to the House, with the recommendation that it be referred to the committee on county and township business.

Which report was concurred in.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred engrossed Senate bill No. 101, entitled, "an act to repeal an act to authorize the formation of companies for the construction of water works, etc.," have had the same under consideration, and direct me to report the bill back to the House, with the recommendation that it do pass.

Which was concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 52, entitled "an act to amend section 5 of an act in relation to the change of public highways, approved March 11, 1867, and to reduce county expenses," have had the same under consideration, and have directed me to report the bill back to the House with the recommendation that it do pass.

Report concurred in and the bill ordered to be engrossed.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 71, entitled "an act to amend an act providing for the election and appointment of supervisors," have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 175, entitled "an act to prohibit plank, macadamized or gravel roads from exacting toll for travel over their roads on the first day of the week," have had the same under consideration, and directed me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 422, entitled "an act authorizing county commissioners to purchase gravel, macadamized or plank roads," have had the same under consideration and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 411, entitled "an act to amend an act authorizing the construction of plank, macadamized or gravel roads," have had the same under consideration and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 399, entitled "an act authorizing county commissioners to construct and purchase gravel, macadamized and other improved roads," have had the same under consideration and direct me to report the bill back with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Stucker, from the committee on roads, submitted the following report :

MR. SPEAKER :

Your committee on roads, to whom was referred House bill No. 388, entitled "An act to divide public highways among the owners of land for the purpose of working the same," have had the same under consideration, and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

On motion of Mr. Tulley, the report and bill was ordered to lay on the table.

Mr. Stucker, from the committee on roads, submitted the following report :

MR. SPEAKER :

Your committee on roads, to whom was referred House bill No. 365, entitled "An act to protect public highways and ditches from damages from hogs running at large," have had the same under consideration, and directed me to report the bill back to the House with the recommendation that it be referred to the committee on county and township business.

Which report was not concurred in.

Mr. Wimmer moved that the report on House bill No. 365 do lie on the table.

Which was agreed to.

On motion, House bill No. 365 was ordered to be engrossed.

Mr. Stucker, from the committee on roads, submitted the following report :

MR. SPEAKER :

Your committee on roads, to whom was referred House bill No. 280, entitled "An act fixing the standard of grade on plank, macadamized and gravel roads, and fixing the rates of toll," have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in.



Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 233, by Mr. Flodder, entitled, "an act to amend section 20 of an act entitled an act providing for the election and appointment of supervisors, etc., etc.," have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that said bill be indefinitely postponed.

Mr. Faulkner moved to lay the report on the table.

Which was not agreed to.

On motion, the report was concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 456, by Mr. Handy, have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that said bill do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 473, by Mr. Vanpelt, have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that the said bill do pass.

Which report was concurred in and the bill ordered to be engrossed.

On motion of Mr. Johnson, the House adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

SATURDAY, FEBRUARY 15, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

House Bill No. 550. Introduced by Mr. Stucker, entitled "An act to define and fix what shall be the salaries, fees, duties and compensation, and the manner of paying the same of certain officers named therein, amendatory of certain statutes, prescribing penalties and forfeitures for a violation of the provisions of this act, and repealing all conflicting and inconsistent laws."

Read the first time.

House Bill No. 551. Introduced by Mr. Carey, entitled "An act to provide for keeping public cemeteries in good order."

Read the first time.

House Bill No. 552. Introduced by Mr. Humphreys, entitled "An act to amend sections 10, 12, 13, 14 and 23 of an act entitled an act to establish a house of refuge for the correction and reformation of juvenile offenders."

Read the first time.

Mr. Stucker presented the claim of Orange county, which was referred to the committee on claims.

Mr. Humphreys presented a petition from the citizens of Washington township, Knox county.

Which was referred to the committee on education.

Mr. Handy submitted the following resolution, to-wit.

*Resolved*, That the committee on the organization of courts be instructed to inquire into the expediency of redistricting the State for judicial purposes.

Referred to the committee on the organization of courts.

Mr. Drover presented a petition from the citizens of Huntington county which was referred to the committee on fees and salaries.

House Bill No. 553. Introduced by Mr. Snoddy, entitled "An act to amend an act entitled an act to provide record books for justices of the peace approved March 14, 1877."

Read the first time.

House Bill No. 554. Introduced by Mr. Kirkpatrick, entitled "An act to authorize taxpayers for free gravel roads to organize into a corporation for the purpose of changing them into toll roads and declaring an emergency."

Read the first time.

House Bill No. 555. Introduced by Mr. Arnold, of Grant, entitled "An act to legalize the election of the common council of Montpelier, Indiana."

Read the first time.

House Bill No. 556. Introduced by Mr. Osborn, of Vermillion, entitled "An act to amend section 397 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, and provide who shall pay costs in certain cases."

Read the first time.

House Bill No. 557. Introduced by Mr. Rooker, entitled "A bill for an act making it the duty of the Governor of the State, in certain cases, to have the business of any public office investigated."

Read the first time.

House Bill No. 558. Introduced by Mr. Lehman, entitled "A bill for an act to repeal paragraph four of an act making specific appropriations, and directing how they shall be paid, approved March 10, 1877."

Read the first time.

Mr. Lehman submitted the following preamble and resolution, to-wit:

WHEREAS, The woman suffrage association, through their chairman, have requested the privilege of addressing the General Assembly on the subject of woman's suffrage, and have further requested, that, if possible, the 18th inst. be designated by this House, as shown by this letter hereto attached; therefore,

*Resolved*, That the House agrees to hear the arguments to be presented by said association on Tuesday, February 25, 1879, at 4 o'clock P. M.



Mr. Herod moved to amend by including the Senate in the invitation.

Which was accepted.

The resolution, as amended, was adopted.

Mr. Overmyer's leave of absence was extended until Monday at 2 o'clock P. M.

House Bill No. 559. Introduced by M. Hosmer, entitled "An act to refund the payment of taxes and other matters connected therewith, repealing conflicting laws, and declaring an emergency."

Read the first time.

Mr. Copeland presented a petition from the citizens of Fulton county.

Which was referred to the committee on fees and salaries.

House Bill No. 560. Introduced by Mr. Edwins, entitled "An act for the relief of J. J. Justice, James Biddle, Edwin Trueblood, Archibald Justice, John Blake and Wilson Cory."

Read the first time.

House Bill No. 561. Introduced by Mr. Saint, entitled "An act limiting and defining the rates of toll that may be charged by turn-pike companies in this State, prescribing the time when the same shall take effect, and repealing all laws in conflict therewith."

Read the first time.

House Bill No. 562. Introduced by Mr. Saint, entitled "An act relating to pool, billiard and card tables, throwing dice, and maintaining concert and theatrical performances in connection with saloons, etc."

Read the first time.

House Bill No. 563. Introduced by Mr. Saint, entitled "An act repealing so much of section one (1) of an act to amend sections 4, 13 and 15 of an act entitled an act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen and their widows and orphans, approved March 11, 1867, and supplementary to said act, approved May 14, 1869, as provides that the superintendent and steward of said home for the maintenance of the sick and disabled Indiana soldiers and seamen and their orphans and widows shall receive \$1,500 and \$800 per annum respectively, and

fixing their annual salaries at \$1,000 and \$600 respectively, and declaring an emergency."

Read the first time.

Mr. Saint presented a petition from the citizens of Henry county. Which was referred to the committee on fees and salaries.

Mr. Miers, from the committee on education, submitted the following report on House bill No. 532:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 532, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered engrossed.

House Bill No. 564. Introduced by Mr. English, entitled "An act to legalize the official acts of the board of trustees of the town of Woodruff Place, in Marion county, Indiana, in relation to the incorporation of said town, the abolishing of offices and the assessment and levy of taxes in aid thereof."

Read the first time.

House Bill No. 565. Introduced by Mr. English, entitled "An act to limit indebtedness and taxation by incorporated towns in this State having less than twenty-five freeholders residing therein."

Read the first time.

House Bill No. 566. Introduced by Mr. English, entitled "An act for the government of all incorporated cities by a common council, to be elected biennially by the electors of such cities, empowering common councils to divide such cities into wards, and such wards into voting precincts, and repealing an act entitled an act supplementary to an act approved March 14, 1867, entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their forms and rights and the manner in which they shall exercise the same, and to regulate such other matters as pertain thereto, approved March 5, 1877."

Read the first time.

Mr. Confer submitted the following resolution, to-wit:

*Resolved*, That the committee on fees and salaries be solicited to inquire into the expediency of reporting a bill at once reducing the mileage of members of the General Assembly from twenty cents a mile to ten cents a mile, and report to the House without delay.

Mr. Osborn submitted the following amendment to Mr. Confer's resolution, to-wit:

Amend by striking out "ten cents per mile," and insert "their actual expenses for fare actually paid."

Which resolution and amendment was laid on the table.

House Bill No. 567. Introduced by Mr. Herod, entitled "An act to amend section 7 of an act entitled an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872."

Read the first time.

House Bill No. 568. Introduced by Mr. Herod, entitled "An act supplemental to an act entitled an act providing for a general system of common schools in all cities of thirty thousand or more inhabitants, and for the election of a board of school commissioners for such cities, and defining their duties and prescribing their powers, and providing for common school libraries within such cities, approved March 1, 1876, and authorizing board of school commissioners to purchase property for library purposes, and to make temporary loans and to levy additional taxes."

Read the first time.

House Bill No. 569. Introduced by Mr. Herod, entitled "An act authorizing county treasurers to perform all the duties of city treasurers in counties having a voting population of not less than fifteen thousand, fixing compensation, repealing all laws and parts of laws in conflict therewith and declaring an emergency."

Read the first time.

House Bill No. 570. Introduced by Mr. Herod, entitled "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope dancing, wire dancing, puppet show, ventriloquism, legerdemain, opera concert, theatrical performance, and to repeal all laws contravening the provisions of this act, and declaring an emergency."

Read the first time.

House Bill No. 571. Introduced by Mr. Herod, entitled "An act equalizing taxation in cities, authorizing the licensing of all vehicles to create a fund for street repairing, repealing all laws and parts of laws in conflict therewith and declaring an emergency."

Read the first time.



House Bill No. 572. Introduced by Mr. Gordon, entitled "A bill for an act to provide for the issuing of licenses to any person desiring to manage locomotive or stationary engines, provide for license inspectors, defining their duties, and also affixing penalties against any person or persons to manage any locomotive or stationary engine, and also to provide for the punishment of any engineer who shall fail to report the machinery under his control, and also to punish license inspectors for any failure to perform their duties."

Read the first time.

House Bill No. 573. Introduced by Mr. Herod, entitled "An act to increase the salaries of prosecuting attorneys in certain cases."

Read the first time.

House Bill No. 574. Introduced by Mr. Herod, entitled "An act authorizing the placing of record in the recorder's office of the respective counties in this State proof of the death of a life estate, and defining the manner of making said proof, and directing the auditors of said counties to properly transfer said property so held to the names of the grantors of said life estate, his heirs or assigns, and directing the recorder to receive said proof."

Read the first time.

House Bill No. 575. Introduced by Mr. Herod, by request, entitled "A bill to amend section 8 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and the rights and manner in which they shall exercise the same, etc."

Read the first time.

House Bill No. 576. Introduced by Mr. Schweitzer, entitled "An act to amend section 3 of an act entitled an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852, allowing notaries public to perform marriage ceremonies."

Read the first time.

Mr. Connor presented a memorial from the citizens of his county. Which was referred to the committee on fees and salaries.

Mr. Connor presented a petition from the citizens of his county. Which was referred to the committee on the judiciary.

House Bill No. 577. Introduced by Mr. Major, entitled "An act to repeal an act concerning attorneys' fees."

Read the first time.

Mr. Major introduced the following concurrent resolution:

WHEREAS, By a recent law passed by Congress granting arrears of pensions to the soldiers of the late war, a heavy demand on the national treasury has been created, for the payment of which provision must and should at once be made; and,

WHEREAS, The payment of the interest on the public debt is already a sufficiently heavy burden on the tax-payers, and believing as we do, that it would not be wise to increase this burden by the issue of interest-bearing bonds to meet the new demand on the national treasury; and,

WHEREAS, A paper currency issued directly from the national treasury in the payment of the debts of the government, and made equally with coin lawful money of the United States, is the most economical, convenient and acceptable circulating medium we have ever had; therefore,

*Resolved by the House of Representatives (the Senate concurring therein),* That our Senators and Representatives in Congress be requested to use their influence to secure the passage of a law authorizing and requiring an additional issue of legal tenders sufficient in amount to pay said pensioners, and that the Governor be requested to transmit a copy to each of our Senators and Representatives in Congress.

Referred to committee on federal relations.

House Bill No. 578. Introduced by Mr. Thompson, entitled "An act for the relief of John R. Robinson, former trustee of Union township in the county of Montgomery, State of Indiana, and Henry Sperry, Maurice J. Lee, James Lee, and the estate of Jacob Davis, deceased, sureties upon his bond as such trustee, from the payment of a certain judgment in the Montgomery circuit court, obtained against them for and on account of the confusion of the general township funds by said Robinson while acting as such trustee, and authorizing and directing the trustee of said Union township to enter full satisfaction of said judgment on the records of said court, and other matters properly connected therewith and declaring an emergency."

Read the first time.

House Bill No. 579. Introduced by Mr. Osborn, of Elkhart, entitled "A bill for an act to provide for the appointment of a probate commissioner in the several counties of the State, defining the powers and duties of such commissioner, providing compensation

and for the reference of exhibits and other matters connected with estates and guardianships to such commissioner, making his report evidence, and relating to other subjects properly connected therewith."

Read the first time.

House Bill No. 580. Introduced by Mr. Allen, entitled "An act to authorize the common council of incorporated cities in this State to elect overseers of the poor for such cities, and directing how and when such overseer of the poor shall be paid, and to repeal conflicting laws therewith and declaring an emergency."

Read the first time.

House Bill No. 581. Introduced by Mr. Thompson, entitled "An act to amend the assignment law."

Read the first time.

House Bill No. 582. Introduced by Mr. Skinner, entitled "An act to repeal an act entitled an act to amend sections 132 and 374 of the act entitled an act to revise, simplify and abridge the rules, practice and pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law and provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, approved March 5, 1877, and declaring an emergency."

Read the first time.

Mr. Faulkner submitted the following resolution, to-wit:

*Resolved*, That the committee on fees and salaries be instructed to return House bill No. 37, referred on January 10, 1879, to this House on Tuesday next.

Which resolution was adopted and referred to the committee on fees and salaries.

House Bill No. 583. Introduced by Mr. Sleeth, entitled "An act authorizing incorporated towns to light their streets with gas in certain cases."

Read the first time.

House Bill No. 584. Introduced by Mr. Briggs (by request), entitled "An act creating a board for settlement of debts and claims due the State from counties for arms, munitions of war and ordnance stores supplied to such counties by the State and not paid or accounted for, providing for the compensation, and declaring an emergency."

Read the first time.



House Bill No. 585. Introduced by Mr. Brown, of Steuben, entitled "An act to vacate and sell a portion of the public square in the town of Fremont, Steuben county, State of Indiana."

Read the first time.

Mr. Brown, of Steuben, presented a petition from the citizens of Steuben county.

Which was referred to the committee on ways and means.

House Bill No. 586. Introduced by Mr. Osborn, entitled "An act to repeal an act entitled an act regulating interest on judgments, approved February 5, 1873."

Read the first time.

Mr. Arnold, of Wabash, presented a petition from the citizens of Wabash county.

Which was referred to the committee on military affairs.

House Bill No. 587. Introduced by Mr. Hess, entitled "A bill to repeal an act approved March 3, 1877, entitled an act to amend section 7 of an act entitled an act for the incorporation and continuance of building loan fund and savings associations, and repealing the laws on that subject approved March 5, 1857, and March 7, 1873, and legalizing all such associations now in existence, approved March 11, 1875."

Read the first time.

House Bill No. 588. Introduced by Mr. Thayer, entitled "A bill to amend sections 16, 17, 29, 33, 51, 59 and 78 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867, and declaring an emergency."

Read the first time.

House Bill No. 589. Introduced by Mr. Connaway (by request), entitled "An act to authorize the township trustee of Union township, Union county, Indiana, or his successor in office, to pay certain indebtedness incurred by the former trustees of said township."

Read the first time.

Mr. Willard presented the claim of R. P. Main.

Which was referred to the committee on claims.

House Bill No. 590. Introduced by Mr. March, entitled "An act to amend the 584th section of an act entitled an act to revise and simplify the rules, practices and pleadings, etc., approved June 18, 1852."

Read the first time.

Mr. Owen presented a petition from the citizens of Warren county.

Which was referred to the committee on the judiciary.

House Bill No. 591. Introduced by Mr. Donnell, entitled "An act to amend section 8 of an act regulating the granting of divorces, nullifications of marriage, etc., approved March 10, 1873."

Read the first time.

The following report from J. H. Smart, Superintendent of Public Instruction, was submitted:

*To Hon. Henry S. Cauthorn,  
Speaker of the House of Representatives:*

SIR: On the 5th day of March, 1877, the Indiana House of Representatives passed the following resolution:

*Resolved,* That the State Superintendent of Public Instruction be and the same is hereby instructed to codify the school laws of the State, with such alterations and amendments as will make the laws harmonious and compact, and report the same to the House of Representatives at the meeting of the next General Assembly, provided the same shall be done without cost to the State.

I respectfully report to the House of Representatives that I have performed the duty assigned me, and have prepared a complete codification of all the school laws now in force.

The original school law of 1865 has been amended twenty-seven times, seven supplemental sections have been added and twenty-two new school acts have been passed. I have consolidated these various acts into one act, which I herewith present for the consideration of the House.

Respectfully submitted,

J. H. SMART,  
Superintendent Public Instruction.

February 15, 1879.

Mr. Dailey offered the following resolution:

WHEREAS, In any codification of the school law, the law as it now stands, and as interpreted by the supreme court, should be prepared without addition or amendment; and

WHEREAS, It is the sense of this House that such codification should be accepted or rejected without amendment; therefore

*Resolved*, That the codification prepared by the state superintendent of public instruction be referred to the committee on education with instruction to examine and amend the same if necessary to make it conform in all respects to the law as it now stands and report the same to this House as soon as practicable.

Which was adopted.

Engrossed Senate Bill No. 268, entitled "An act to fix the times of holding courts in the second judicial circuit of the State of Indiana, prescribing the length of terms thereof, repealing all laws in conflict therewith, and declaring an emergency."

Read the first time.

Engrossed Senate Bill No. 379, entitled "An act legalizing an annexation of platted territory to the city of Logansport, by resolution of the common council of May 5, 1870, and the annexation to said city of contiguous territory by proceedings before the board of commissioners of Cass county of June 30, 1870, and establishing the limits of the city of Logansport."

Read the first time.

House bill No. 549, was read the second time and referred to the committee on the organization of courts.

House Bill No. 548. Introduced by Mr. Golden, was read the second time and ordered to be engrossed.

House Bill No. 547. Introduced by Mr. Golden, was read the second time and ordered to be engrossed.

House Bill No. 546. Introduced by Mr. Golden, was read the second time and ordered to be engrossed.

House Bill No. 545. Introduced by Mr. Shanks, was read the second time and referred to the committee on ways and means.

Engrossed Senate Bill No. 61 was read the second time and referred to the committee on the judiciary.



Engrossed Senate Bill No. 303 was read the second time and referred to the committee on agriculture.

Engrossed Senate Bill No. 6 was read the second time.

Engrossed Senate bill No. 158 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 230 was read the second time and referred to the committee on education.

Engrossed Senate Bill No. 9 was read the second time and referred to the committee on rights and privileges.

Engrossed Senate Bill No. 80 was read the second time and referred to the committee on cities and towns.

Engrossed Senate Bill No. 236 was read the second time and referred to the committee on rights and privileges.

Engrossed Senate Bill No. 22 was read the second time and referred to the committee on cities and towns.

Engrossed Senate Bill No. 23 was read the second time and referred to the committee on cities and towns.

Engrossed Senate Bill No. 12 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 16 was read the second time and referred to the committee on the judiciary.

Mr. Osborn, of Elkhart, moved to rescind the order to print engrossed Senate bill No. 277.

Which was agreed to.

Mr. Reichelderfer, from the committee on military affairs, submitted the following report:

MR. SPEAKER:

Your committee on military affairs to whom was referred House bill No. 392 have had the same under consideration and have instructed me to report the same back to the House, with the recommendation that the same be amended as follows:

First. Amend section 4 by striking out all after the word "State," in line eight, down to and including the word "therefrom," in line nine; also by striking out lines twelve to eighteen; also by striking out figures 6 and 4 in line nineteen.

Second. Amend section 5 by striking out the words "and fine," in line two, and insert the word "and" before the word "four."

Third. Amend section 7 by striking out all after the word "enrolled," in line nine.

Fourth. Amend section 8 by striking out the word "twenty," in line seven.

Fifth. Amend by striking out section 9.

Sixth. Amend by changing the number of section 10 to 9.

Seventh. Amend by striking out section 11.

Eighth. Amend by changing the number of section 12 to 10.

Ninth. Amend by striking out section 13 and insert the following as section 11:

In time of peace the Adjutant General shall receive eighteen hundred dollars as salary per year with an additional allowance of eight hundred dollars for clerk hire, and three hundred dollars for the incidental expenses of his office, and in time of war the pay and allowances of an officer of like rank in the army of the United States.

Tenth. Amend by changing the number of section 14 to 12.

Eleventh. Amend by changing the number of section 15 to 13.

Twelfth. Amend by changing the number of section 16 to 14, and strike out all of lines 10 to 14 of said section.

Thirteenth. Amend by changing the number of section 17 to 15.

Fourteenth. Amend by changing the number of section 18 to 16, and by inserting the word "and" after the word "general" in line one; also by striking out that part of lines one and two which reads "or such other officers as the Governor shall indicate"; also, by striking out that part of lines four and five which reads "as provided in."

Fifteenth. Amend by changing the number of section 19 to 17.

Sixteenth. Amend by changing the number of section 20 to 18, and by inserting the word "and" after the word "writing" in line three.

Seventeenth. Amend by changing the number of section 21 to 19.

Eighteenth. Amend by changing the number of section 22 to 20, also by striking out the word "such" in line one; also by striking out the word "as" in line three, and inserting in lieu thereof the word "and;" also, strike out the word "penitentiary" in line three, and insert in lieu thereof the word "prison."

Nineteenth. Amend by changing the number of section 23 to 21.

Twentieth. Amend by changing the number of section 24 to 22; also strike out the word "or" in line five.

Twenty-first. Amend by changing the number of section 25 to 23.

Twenty-second. Amend by changing the number of section 26 to 24.

Twenty-third. Amend by changing the number of section 27 to 25.

Twenty-fourth. Amend by changing the number of section 28 to 26.

Twenty-fifth. Amend by changing the number of section 29 to 27.

Twenty-sixth. Amend by changing the number of section 30 to 28.

Twenty-seventh. Amend by changing the number of section 31 to 29.

Twenty-eighth. Amend by changing the number of section 32 to 30.

Twenty-ninth. Amend by changing the number of section 33 to 31.

Thirtieth. Amend by changing the number of section 34 to 32.

Thirty-first. Amend by changing the number of section 35 to 33.

Thirty-second. Amend by changing the number of section 36 to 34.

Thirty-third. Amend by changing the number of section 37 to 35.

Thirty-fourth. Amend by changing the number of section 38 to 36.

Thirty-fifth. Amend by changing the number of section 39 to 37.

Thirty-sixth. Amend by changing the number of section 40 to 38.

Thirty-seventh. Amend by changing the number of section 41 to 39.

Thirty-eighth. Amend by changing the number of section 42 to 40.

Thirty-ninth. Amend by changing the number of section 43 to 41.

Fortieth. Amend by changing the number of section 44 to 42.

Forty-first. Amend by changing the number of section 45 to 43.

Forty-second. Amend by changing the number of section 46 to 44.



Forty-third. Amend by changing the number of section 47 to 45.

Forty-Fourth. Amend by changing the number of section 48 to 46.

Forty-fifth. Amend by changing the number of section 49 to 47.

Forty-sixth. Amend by changing the number of section 50 to 48.

Forty-seventh. Amend by changing the number of section 51 to 49.

Forty-eighth. Amend by changing the number of section 52 to 50.

Forty-ninth. Amend by changing the number of section 53 to 51.

Fiftieth. Amend by changing the number of section 54 to 52.

Fifty-first. Amend by changing the number of section 55 to 53.

Fifty-second. Amend by changing the number of section 56 to 54.

Fifty-third. Amend by changing the number of section 57 to 55.

Fifty-fourth. Amend by changing the number of section 58 to 56.

Fifty-fifth. Amend by changing the number of section 59 to 57.

Fifty-sixth. Amend by changing the number of section 60 to 58.

Fifty-seventh. Amend by changing the number of section 61 to 59.

Fifty-eighth. Amend by changing the number of section 62 to 60.

Fifty-ninth. Amend by changing the number of section 63 to 61.

Sixtieth. Amend by changing the number of section 64 to 62.

Sixty-first. Amend by changing the number of section 65 to 63.

Sixty-second. Amend by changing the number of section 66 to 64.

Sixty-third. Amend by changing the number of section 68 to 66.

Sixty-fifth. Amend by changing the number of section 69 to 67.

Sixty-sixth. Amend by changing the number of section 70 to 68, and by striking out all after the word "duty," in line three, down to and including the word "based," in line five, and by add-

ing after line sixteen the words "which shall be without any relief from valuation or appraisement, stay or exemption laws."

Sixty-seventh. Amend by changing the number of section 71 to 69, and by striking out "two hundred and fifty dollars," in line twelve, and inserting in lieu thereof "two hundred dollars," and by adding after line thirteen the words "each year."

Sixty-eighth. Amend by striking out section 72.

Sixty-ninth. Amend by changing the number of section 73 to 70.

Seventieth. Amend by changing the number of section 74 to 71.

Seventy-first. Amend by changing the number of section 75 to 72, and by inserting the word "in" between the words "and" and "such" in line sixteen.

Seventy-second. Amend by changing the number of section 76 to 73, and by striking out the word "felony" and inserting in lieu thereof the word "misdemeanor," in line nine, and by striking out all of lines ten and eleven after the word "hundred" in line ten, and inserting in lieu thereof the words "dollars, to which may be added imprisonment in the county jail for any definite period of time not exceeding six months."

Seventy-third. Amend by changing the number of section 77 to 74, and by adding thereto, at the close of line eight, the words "until communication can be had with the Governor."

Seventy-fourth. Amend by changing the number of section 78 to 75; amend by striking out the word "attempt" in line two, and insert in lieu thereof the word "intent."

Seventy-fifth. Amend by changing the number of section 79 to 76.

Seventy-sixth. Amend by changing the number of section 81 to 78.

Seventy-seventh. Amend by changing the number of section 82 to 79.

Seventy-eighth. Amend by changing the number of section 83 to 80.

Seventy-ninth. Amend by changing the number of section 84 to 81; by striking out all after the word "officer" in line five, and insert in lieu thereof the following:

"Any person who shall intrude within the encampment or parade, or resist being removed after having been ordered to leave or forbidden to enter, may be forcibly arrested, and shall be deemed

guilty of a misdemeanor and liable to arrest by any civil or military officer, and on conviction before any justice or mayor of the county be liable to a fine not exceeding twenty-five dollars”

Eighty-first. Amend by changing the number of section 85 to 82; by inserting after the word “improvement,” in line four, the words “shall be deemed guilty of a misdemeanor and;” by striking out all after the word “as,” in line nine, and inserting in lieu thereof “constable, marshal, sheriff or other peace officer, who shall take such offender before any justice or mayor, where, on conviction, he shall be liable to a fine not exceeding twenty-five dollars.”

Eighty-second. Amend by changing the number of section 86 to 83.

Eighty-third. Amend by changing the number of section 87 to 84.

Eighty-fourth. Amend by changing the number of section 88 to 85.

Eighty-fifth. Amend by changing the number of section 89 to 86.

Eighty-sixth. Amend by changing the number of section 90 to 87; by striking out all after the word “allowed,” in line eight, and insert in lieu thereof “on all orders of the adjutant general, and be paid out of the county treasury.”

Eighty-seventh. Amend by changing the number of section 91 to 88.

Eighty-eighth. Amend by changing the number of section 92 to 89.

Eighty-ninth. Amend by changing the number of section 93 to 90.

Ninetieth. Amend by changing the number of section 94 to 91.

Ninety-fifth. Amend by changing the number of section 99 to 96; by striking out the word “from,” in line two, and insert in lieu thereof the word “between;” by striking out the word “to,” in line 3, and inserting the word “and.”

Ninety-sixth. Amend by changing the number of section 100 to 97.

Ninety-seventh. Amend by changing the number of section 101 to 98.

One hundred and first. Amend by changing the number of section 105 to 102; by striking out the word “at,” in line five, and insert in lieu thereof “who shall refuse to disperse on being ordered



to do so, or shall continue such violence in any manner, or advance upon or make any threats of violence, or do any act or acts of violence against such officer or any member or members of his command, such officer;" insert the words "person or," after the word "such," in line five; and by changing the number of every section from 106 to 135 three numbers back, so that the number of the last shall be 132.

One hundred and second. Amend section 133 by inserting "fifty," instead of "seventy," in line two.

And that when so amended the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Dailey, from the committee on organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred House bill No. 56, have had the same under consideration and have directed me to report the same back to the House with the following recommendation:

Amend the bill by striking out all after the words "Be it enacted by the General Assembly of the State of Indiana," and inserting the following: "The counties of Monroe, Lawrence, Orange and Martin shall constitute the tenth judicial circuit, and the counties of Daviess and Knox shall constitute the twelfth judicial circuit.

"Section 2. The courts in the county of Daviess shall begin on the first Mondays in January and April, and the second Monday in September and continue six weeks. The courts in the county of Knox shall begin on the Mondays next succeeding the courts in the county of Daviess, and the first and third term in each year shall continue seven weeks, and the second term shall continue so long as the business may require.

"Section 3. The judicial year in the tenth judicial circuit shall commence on the first Monday of September in each year, and each county in said circuit shall have four terms each year.

"Section 4. The term allowed for holding court in each county in the tenth judicial circuit shall be as follows: In the county of Monroe, four weeks; in the county of Lawrence, three weeks; in the county of Orange, two weeks; in the county of Martin, two weeks.

"Section 5. The first term of court in each judicial year in the tenth judicial circuit shall be held in the county of Monroe, beginning on the first Monday of September, and on the Monday next after the expiration of the term allowed for court in the county of

Monroe the court shall begin in the county of Lawrence, and on the Monday next after the expiration of the term allowed for court in the county of Lawrence the court shall begin in the county of Orange, and on the Monday next after the expiration of the term allowed for court in the county of Orange the court shall begin in the county of Martin, and on the Monday next after the expiration of the term allowed for court in the county of Martin, the court shall again begin in the county of Monroe.

“Section 6. It is the meaning and intent of this act that the periods herein allowed for the terms of court in the several counties of the tenth judicial circuit shall follow each other without any interval of time between the same, until each county in said circuit shall have had four terms in each year.

“Section 7. Should any court be in session in the tenth or twelfth circuit when this act takes effect, such court shall be held to the end of the term as now provided by law, if the business thereof require it.

“Section 8. All laws and parts of laws in conflict with this act are hereby repealed.”

And your committee further recommend that the said bill, when so amended, do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 377, entitled “An act to regulate the practice of medicine,” etc., have had the same under consideration, and directed me to report the bill back to the House with the recommendation that it be amended as follows: “Strike out section 111, and change the number of all subsequent sections to conform to this amendment.”

Amend section 5 to read:

“*Provided further*, That nothing herein contained shall apply to midwives practicing midwifery as a vocation.”

That after the bill is so amended it do pass.

Which report was concurred in, and the bill as amended ordered engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 47, introduced by Mr. Dailey, of Wells, entitled "An act to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and other officers in the premises, to provide for the repairs of such drains, and repealing all laws and parts of laws inconsistent herewith, and declaring an emergency," have had the same under consideration, and have instructed me to report the same back to the House and recommend that the bill do pass.

Report concurred in and bill ordered engrossed.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 241, have had the same under consideration, and direct me to report the same back to the House with the recommendation that it be referred to the committee on fees and salaries.

Report concurred in.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 242, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that it be referred to the committee on fees and salaries.

Report concurred in.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 87, "an act to repeal section 250 of an act to provide for a uniform assessment of property and for the collection and return of taxes thereon, approved December 21, 1872," have had the same.



under consideration and direct me to return the same, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 397, "an act requiring petitioners to give bond for costs," have had the same under consideration and direct me to report the bill back, with the recommendation that it do pass.

Which report was concurred in.

Mr. Faulkner moved that the report and bill do lay on the table for the present.

Which was agreed to.

On motion of Mr. Copeland the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## MONDAY MORNING.

FEBRUARY 17, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of Saturday was read in part, when, on motion of Mr. Drake, the further reading was dispensed with.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

The committee on ways and means have instructed me to report the following bill to the House for its consideration: "A bill making general appropriations for the fiscal years of 1880 and 1881," and recommend the passage of the same.

House Bill No. 592. Introduced by Mr. Humphreys, entitled "An act making general appropriations for the support of the State government for 1880 and 1881."

Read the first time.

Mr. Humphreys moved that two hundred copies of House bill No. 592 be printed.

Which was agreed to.

Mr. Osborn of Elkhart, offered the following resolution:

*Resolved*, That section fifty-two (52) of the Rules of the House be amended as follows, to-wit: Add at to the close of the section the following: "*And provided further*, That on Wednesday of each week the daily order of transacting business shall be as follows, viz:

"First. Reading and correcting the Journal of the preceding day.

"Second. Bills on third reading and passage, which shall continue from day to day until that order of business is exhausted."

Read and laid over until to-morrow morning.

Mr. Tulley presented the claim of the committee on prisons.

Which was referred to the committee on claims.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 3, have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that in the opinion of the committee it is inexpedient to legislate upon the subject embraced in said bill, at this time, for the reason that under the present law the real estate will be appraised in 1880.

Which report was laid on the table for the present.

Mr. Galbraith submitted the following resolution:

WHEREAS, Owing to the large amount of work that the House has to dispose of, and the shortness of the session to do that work in, therefore be it

*Resolved*, That it shall be the duty of this House to hold night sessions, commencing on the 17th of February, 1879, at 7 o'clock P. M., and hold two hours each night during the session.

Laid over one day.

House Bill No. 593. Introduced by Mr. Compton, entitled "An act to amend the 1st and 14th sections of an act entitled an act to authorize aid in the construction of railroads, etc."

Read the first time.

House Bill No. 594. Introduced by Mr. Stucker, entitled "An act to amend section 5 of an act supplementary and amendatory of an act entitled an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872, and approved March 8, 1873, in relation to publication of delinquent list, and repealing former conflicting acts."

Read the first time.

House Bill No. 595. Introduced by Mr. Stucker, entitled "An act to exempt from taxation one dog kept or owned by a citizen who is a householder and head of a family, fixing the tax rate on all additional dogs and on dogs kept and owned by persons not householders or heads of families, and making the owner of vicious dogs liable in damages and fine, and repealing all conflicting laws."

Read the first time.

House Bill No. 596. Introduced by Mr. Stucker, entitled "An act to amend section 7 of an act entitled an act providing for the organization of courts, boards and prescribing some of their powers and duties, approved June 17, 1852, and repealing conflicting laws."

Read the first time.

Mr. Handy presented a petition from the citizens of Hancock county on roads.

Which was referred to the committee on roads.

House Bill No. 597. Introduced by Mr. Kirkpatrick, entitled "An act to encourage the building of free gravel roads, and the purchase of toll roads in any county in the State, and providing for their repair."

Read the first time.

House Bill No. 598. Introduced by Mr. Kirkpatrick, entitled "An act in relation to malfeasance in office and embezzlement, and other misdemeanors by officers in this State, including administrators, guardians, trustees of any trust funds, and all persons having the care of any public or private money, and prescribing penalties for the same."

Read the first time.



Mr. Hubbard presented two petitions from the citizens of Henry county on temperance.

Which was referred to the committee on temperance.

House Bill No. 599. Introduced by Mr. Confer, entitled "An act to establish the mileage of members of the General Assembly of the State of Indiana, how to compute the distance traveled and the amount allowed per mile, and repealing all laws or parts of laws in conflict with this act."

Read the first time.

House Bill No. 600. Introduced by Mr. Major, entitled "An act to amend section 18 of an act entitled an act regulating descents and the apportionment of estates, approved May 4, 1852."

Read the first time.

House Bill No. 601. Introduced by Mr. Johnson, entitled "An act to prohibit the keeping of saloons or other houses, sheds or booths, for the purpose of people congregating together for the purpose of drinking spirituous or malt liquors, and declaring the same nuisances, and repealing the law authorizing the licensing of saloon keepers and all laws in conflict with this act."

Read the first time.

House Bill No. 602. Introduced by Mr. Johnston, entitled "An act to repeal an act entitled an act requiring the officers of certain corporations therein named to make out and publish annual statements and fixing penalties for the violation thereof."

Read the first time.

Mr. Johnston submitted the following resolution:

*Resolved*, That the House will, after the 19th day of February, 1879, meet at 9 o'clock A. M.

Which was laid on the table under the rules.

House Bill No. 603. Introduced by Mr. Skinner, entitled "An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs, approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with an act entitled an act for the protection of sheep, approved June 15, 1852, and to provide for the distribution of the surplus dog tax in the hands of township trustees, and for the payment of outstanding certificates."

Read the first time.

House Bill No. 604. Introduced by Mr. Garroutte, entitled "An act regulating the stopping of passenger trains on railroads at certain stations, and providing penalties for violation thereof."

Read the first time.

House Bill No. 605. Introduced by Mr. Kester, entitled "An act to provide for the punishment of persons guilty of giving certificates of false weights and measures of coal, corn, wheat and hay, or any other commodity, sold by weight, and prescribing the penalty therefor."

Read the first time.

Mr. Van Valzah, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee on railroads, to whom was referred House Bill No. 288, have had the same under consideration and beg leave to make the following report:

Amend section 5 by adding the following: Nor shall it prevent any railroad company or companies from making a reasonable charge for transferring and switching cars when they are compelled to pay trackage on such cars to other railroad companies upon such cars, or for transferring or switching such cars to the switches or side-tracks belonging to private parties; and we further recommend that the bill do pass.

Which was laid on the table for the present.

Mr. Van Valzah, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee on railroads, to whom was referred House bill No. 300, "An act to allow horse and street railways to run dummies or pneumatic engines on their roads, and declaring an emergency," have had the same under consideration, and recommend that it lie upon the table.

Which was laid on the table for the present.

Mr. Van Valzah, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee on railroads, to whom was referred House bill No. 476, have had the same under consideration, and recommend that the same do pass.

Report concurred in and the bill ordered to be engrossed.

Mr. Tully, from the committee on affairs of prisons, submitted the following report :

MR. SPEAKER:

Your committee on affairs of prisons, to whom was referred Senate bill No. 58, have had the same under consideration and have directed me to report the same back with the following amendments, to-wit: Amend section 4 after the word "sheriff," in line nine of said section, by adding the following, to-wit: "And shall be if in any incorporated town the marshal thereof, and if in any city the street commissioner thereof, so far as the same is practicable," and when so amended the bill do pass.

Report concurred in and the amendment ordered engrossed.

Engrossed Senate Bill No. 379 was read the second time and referred to the committee on cities and towns.

Engrossed Senate Bill No. 268 was read the second time and referred to the committee on the organization of courts.

House Bill No. 250. Introduced by Mr. Stucker, was read the second time and referred to the committee on fees and salaries.

House Bill No. 551. Introduced by Mr. Carey, was read the second time and referred to the committee on cities and towns.

Mr. Herod submitted the following concurrent resolution :

WHEREAS, The standing committees on Reform Schools for Boys and Girls of the General Assembly of the State of Ohio have signified their desire to visit the Female Prison and Reformatory Institution for Women and Girls supported by this State, and have notified the superintendent of the institution that they will make such visit upon a suitable occasion, to be fixed by her; and

WHEREAS, This General Assembly will take pleasure in welcoming representatives of the people of our sister state on the floor of the houses and in the inspection of the reformatory and benevolent institutions supported by our people, and in making such visit profitable to the guests of the superintendent and creditable to our state; therefore be it

*Resolved by the House of Representatives (the Senate concurring therein),* That the expenses incident to the proper reception and entertainment of the members of said committees be defrayed out of the moneys appropriated for the expenses of this General Assembly, and that the committees on reformatory institutions be charged



with the duty to welcome said visitors, provide for their accommodation while they may be our guests, and report for allowance a bill of account of the expenses incurred.

Which was adopted.

House Bill No. 552. Introduced by Mr. Humphreys, was read the second time.

Mr. Stevens moved to strike out "ten" and insert "eight."

Which was lost.

The bill was ordered engrossed.

House Bill No. 553. Introduced by Mr. Snoddy, was read the second time, and, on motion of Mr. Tulley, was indefinitely postponed.

House Bill No. 554. Introduced by Mr. Kirkpatrick, was read the second time and referred to the committee on roads.

Mr. Kirkpatrick presented a petition from the citizens of Howard county.

Which was referred to the committee on roads.

House Bill No. 555. Introduced by Mr. Arnold, of Grant, was read the second time and referred to the committee on cities and towns.

House Bill No. 556. Introduced by Mr. Osborn, of Vermillion, was read the second time and referred to the committee on the judiciary.

House Bill No. 557. Introduced by Mr. Rooker, was read the second time and referred to the committee on county and township business.

House Bill No. 558. Introduced by Mr. Lehman, was read the second time and referred to the committee on ways and means.

House Bill No. 559. Introduced by Mr. Hosmer, was read the second time and referred to the committee on ways and means.

House Bill No. 560. Introduced by Mr. Edwins, was read the second time and referred to the committee on rights and privileges.

House Bill No. 561. Introduced by Mr. Saint, was read the second time and referred to the committee on roads.

House Bill No. 562. Introduced by Mr. Saint, was read the second time and referred to the committee on rights and privileges.

House Bill No. 563. Introduced by Mr. Saint, was read the second time and referred to the committee on benevolent institutions.

House Bill No. 564. Introduced by Mr. English, was read the second time and referred to the committee on affairs of the city of Indianapolis.

House Bill No. 565. Introduced by Mr. English, was read the second time and referred to the committee on affairs of the city of Indianapolis.

House Bill No. 566. Introduced by Mr. English, was read the second time and referred to the committee on cities and towns.

House Bill No. 567. Introduced by Mr. Herod, was read the second time and referred to the committee on ways and means.

House Bill No. 568. Introduced by Mr. Herod, was read the second time and ordered to be engrossed.

House Bill No. 569. Introduced by Mr. Herod, was read the second time and referred to the committee on cities and towns.

House Bill No. 570. Introduced by Mr. Herod, was read the second time and referred to the committee on cities and towns.

House Bill No. 571. Introduced by Mr. Herod, was read the second time and referred to the committee on cities and towns.

House Bill No. 572. Introduced by Mr. Gordon, was read the second time and referred to the committee on railroads.

House Bill No. 573. Introduced by Mr. Herod, was read the second time and referred to the committee on cities and towns.

House Bill No. 574. Introduced by Mr. Herod, was read the second time and referred to the committee on the judiciary.

House Bill No. 575. Introduced by Mr. Herod, was read the second time and referred to the committee on cities and towns.

House Bill No. 576. Introduced by Mr. Schweitzer, was read the second time and referred to the committee on rights and privileges.

House Bill No. 577. Introduced by Mr. Majors, was read the second time and referred to the committee on rights and privileges.

House Bill No. 578. Introduced by Mr. Thompson, was read the second time and referred to the committee on county and township business.

House Bill No. 579. Introduced by Mr. Osborn, of Elkhart, was read the second time and referred to the committee on the judiciary.

House Bill No. 580. Introduced by Mr. Allen, was read the second time and referred to the committee on cities and towns.

House Bill No. 581. Introduced by Mr. Thompson, was read the second time and referred to the committee on the judiciary.

House Bill No. 582. Introduced by Mr. Skinner, was read the second time and referred to the committee on the judiciary.

House Bill No. 583. Introduced by Mr. Sleeth, was read the second time and referred to the committee on cities and towns.

House Bill No. 584. Introduced by Mr. Briggs, was read the second time, and referred to the committee on military affairs.

House Bill No. 585. Introduced by Mr. Brown, of Steuben, was read the second time and referred to the committee on the judiciary.

House Bill No. 586. Introduced by Mr. Osborn, of Vermillion, was read the second time and referred to the committee on the judiciary.

House Bill No. 587. Introduced by Mr. Hess, was read the second time and referred to the committee on corporations.

House Bill No. 588. Introduced by Mr. Thayer, was read the second time and referred to the committee on cities and towns.

House Bill No. 589. Introduced by Mr. Connaway, was read the second time and referred to the committee on county and township business.

House Bill No. 590. Introduced by Mr. March, was read the second time and referred to the committee on the judiciary.

House Bill No. 591. Introduced by Mr. Donnell, was read the second time and referred to the committee on the judiciary.

On motion of Mr. Tulley the House adjourned until two o'clock P. M.



## AFTERNOON SESSION.

FEBRUARY 17, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Connor, from the select committee, submitted the following report :

MR. SPEAKER:

The select committee, to whom was referred House bill No. 468, respecting text books in the common schools, having had the same under consideration beg leave to report the same back with the following and accompanying amendments, and when the same are adopted the committee recommend that the bill do pass:

Amend section 3 by inserting after the word "accept," in the twenty-ninth line, the following: "Bidders shall submit to the school book commissioners samples of books embraced in their bids showing quality of paper and binding, as well as subject matter, and arrangements thereof, which shall be properly referred to in the bids, and reference thereto be incorporated in contracts made with bidders, requiring books furnished to be equal to samples in all respects: *Provided*, That the school book commissioners shall have power in their discretion to select school books in manuscript, provided the same shall be deemed suitable in matter, and the author or owner thereof shall give sufficient guarantee to the effect that the same shall be printed on suitable type and paper, and be otherwise acceptable to said commission, in style, illustration and binding, and be published within the time agreed upon with the school book commission."

Amend section 1, by adding the following after the word "commission," in the last line thereof, viz: "Provided that no book shall be selected by the commission, except by a three-fourths vote of the members thereof eligible to vote on the book offered, and provided further that no member of the State Board of Education shall be eligible to vote on the selection of any book in which he has a pecuniary interest."

Amend section 5, by striking out the word "running" in the sixty-fifth line, and inserting in lieu thereof the word "payable."

Amend section 10, by inserting after the word "adopted," in the eighth line, the words "by them;" also strike out of the eighth and

ninth line of said section 10, the words "first day of May, 1879," and in lieu thereof insert the words "passage of this act;" also add the following at the end of said section 10: "And provided that the adoption of text-books shall be made on the first days of September or May in said years, but in case such days come on Sunday, then on the Monday following."

Add the following, and make them sections 11 and 12:

Section 11. When any school book has been adopted by any county board of education, or by a town or city school board, it shall be the duty of all trustees constituting such county board of education and of the school boards of such incorporated towns and cities, of all teachers and superintendents in the respective corporations for which the books were adopted, to prescribe and require the use in the public schools under their supervision of such books as have been adopted by their respective school boards or county boards of education, and it shall be unlawful to use, or permit to be used, in any public school of this State, any school book or books in place of such as have been adopted in accordance with the provisions of this act.

Section 12. Any school trustee, whether of township, town or city, or any person otherwise having authority over the public schools of this State, or any of said schools, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace, shall thereby be deemed disqualified to hold any office or position of trust or responsibility relating or pertaining to any public school in this State as an officer or member of any school board or otherwise, for the term of one year from the date of such conviction, and shall further be fined upon such conviction in a sum not less than ten nor more than twenty-five dollars, for each and every offense so committed, and in case any teacher in any school in this State shall refuse or neglect to discharge his or her duties in accordance with the provisions of this act, or shall in any manner obstruct or impede the execution of the same, such teacher shall be deemed to have forfeited his or her rights to teach in any of the public schools of this State for a period of one year after conviction for such offense, and shall furthermore forfeit any certificate he or she may possess, conferring upon him or her the right to teach in any of the public schools of this State.

Which report was laid on the table with the amendments, and two hundred copies ordered to be printed for the use of the members.

Mr. English moved that House bill No. 3 and the report of the committee be taken from the table.

Which was agreed to.

The question being on concurring in the report of the committee on House bill No. 3.

Messrs. English and Humphreys demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Blockley, Briggs, Bryant, Caldwell, Carter, Confer, Dailey, Davis, Drover, Edwins, Faulkner, Flodder, Garrouette, Handy, Hart, Humphreys, Johnston, Lehman, March, Nave, Osborn of Elkhart, Overmyer, Reichelderfer, Rodman, Scholl, Shields, Skinner, Stucker, Tulley and Mr. Speaker—31.

Those who voted in the negative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Brown of Jasper, Carey, Compton, Connaway, Connor, Dalton, Donnell, Drake, English, Galbräith, Golden, Harland, Hopkins, Hosmer, Hubbard, Kelly, Kirkpatrick, Lindley, Major, Messick, Owen, Robeson, Robinson, Rooker, Schweitzer, Shanks, Sleeth, Stevens, Vanpelt, VanValzah, Watson, Wimmer and Works—38.

Mr. English moved that House bill No. 3 be engrossed.

So ordered.

Mr. Lehman, from a select committee on House bill No. 73, submitted the following report:

MR. SPEAKER:

The special committee, to whom was referred House bill No. 73, entitled "an act to provide for the organization and support of an asylum for feeble minded children," have had the same under consideration and direct me to report the bill back to the House with the following amendment:

Amend the title thereto by adding after the word "children," in the last line of said title the following, to-wit: "To provide for the appointment, by the Governor, of a board of trustees for the Soldiers' and Orphans' Home, and for said asylum, and to abolish the office of trustee of the Soldiers' and Orphans' Home."

Amend section 1 of said act by striking out all of said section after the word "of," in the thirteenth line, and insert the following: "Three trustees, of whom two shall be a quorum, who shall be appointed by the Governor, by and with the consent of the Senate,



and who, before entering upon the discharge of their duties, shall take an oath or affirmation to faithfully discharge the duties of said office. The members of said board shall hold their office for the term of four years from the first day of April, 1879, and until their successors are elected and qualified; except that of the board first appointed, one trustee shall be appointed to hold but two years, and within ten days after the meeting of any regular session of the General Assembly, the Governor shall report to the Senate a trustee or trustees to fill the place of those whose terms of office will expire before the next regular session. All vacancies in said board shall be filled by the Governor, subject to the approval of the Senate, at the next succeeding session of the General Assembly. Said board of trustees when so appointed and qualified, as provided in this section, shall also have the charge, management and control of the Soldiers' Home, and the office of trustees of the Soldiers' and Orphans' Home is hereby abolished."

Amend section 4 of said act by striking out of said section all after the word "hands," in line 33, and insert the following: "The board of trustees shall meet at least once per month, and as much oftener as may be necessary. They shall receive as a compensation for their services two hundred dollars each per annum, which shall be in full for all services, traveling and other expenses, and no other or additional sums shall be allowed said trustees."

And that when so amended the bill do pass.

Mr. Wimmer moved that the report and bill be indefinitely postponed.

Mr. Edwins moved that the motion of Mr. Wimmer do lie on the table.

Which was agreed to.

The question being, shall the House concur in the report?

Messrs. Wimmer and Briggs demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Bearss, Bryant, Caldwell, Carter, Compton, Connaway, Connor, Dalton, Donnell, Drake, Drover, English, Faulkner, Flodder, Garrouette, Golden, Herod, Hopkins, Hubbard, Kelly, Lehman, Lindley, March, Messick, Nave, Osborn of Elkhart, Owen, Reichelderfer, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Stevens, Tulley, VanValzah, Willard and Works—42.

Those who voted in the negative were: Messrs. Alden, Allen, Blockley, Briggs, Brown of Jasper, Carey, Confer, Dailey, Davis, Galbraith, Handy, Harland, Hart, Hosmer, Humphreys, Johnston, Kirkpatrick, Major, Overmyer, Rooker, Scholl, Schweitzer, Shields, Stucker, Vanpelt, Vawter, Watson, Wimmer and Mr. Speaker—29.

The motion to concur in the report was agreed to.

Mr. Vanpelt moved that the bill do lay on the table and that two hundred copies be printed for the use of the House.

Which was agreed to.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill No. 254, by Mr. Osborn, of Elkhart, "an act to protect the purity of elections and prevent illegal voting," have had the same under consideration and have instructed me to report the same back to the House, with the recommendation that the bill do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Sleeth moved that House bill No. 158 be taken up and read the third time and put upon its passage.

Which was agreed to.

Engrossed House bill No. 158 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Herod, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Nave, Osborn of Elkhart, Overmyer, Owen, Reichelderfer, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shields, Skinner, Sleeth, Stevens, Stucker, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—69.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill, as read, stand for the title of the act?

It was so ordered.

Mr. Johnston submitted the following resolution:

*Resolved*, That the committee on rights and privileges be and they are hereby requested to report back to the House, at their earliest convenience, bill No. 240, on the subject of carrying concealed weapons.

Which resolution was adopted and referred to the committee on rights and privileges.

Mr. Edwins moved to take from the Speaker's table engrossed House bill No. 214, and put it upon its passage.

Which was agreed to.

Engrossed House Bill No. 214 was read the third time.

Mr. Osborn, of Elkhart, moved that the bill be recommitted.

Which was agreed to, and referred to the committee on the judiciary.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections to whom was referred House Bill No. 49, by Mr. Dailey, have had the same under consideration and have directed me to report the same back to the House with the recommendation that it be amended as follows:

By striking out the words "second Tuesday of October, 1880," in lines eight and nine, page one, section 1, and in lieu thereof insert the following: "At the general election to be held in the fall of the year 1882, and biennially thereafter," so that part of the section shall read: "Section 1. That there shall be held an election in each township, of each county in this State, at the usual place of holding elections, at the general election to be held in the fall of the year 1882, and biennially thereafter, etc. *Provided*, That this act shall not take effect and be in force until May 1, 1880."

And your committee further direct me to report the bill back to the House with the recommendation that when so amended said bill do pass.



Which report was concurred in and the bill ordered to be engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 55, introduced by Mr. Caldwell, entitled an act to legalize certain acts of the board of commissioners of Clinton county in the purchase of certain grounds at sheriff's sale, vesting a sufficient title thereto in the said county, providing for the payment therefor, and other matters properly connected therewith, and declaring an emergency, have instructed me to report that they have had said bill under consideration and would report the same back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 200, introduced by Mr. Shutt, entitled "An act to amend sections 1 and 5, Acts of Regular Session, 1875, pages twenty-eight and thirty," have had the same under consideration, and instructed me to report it back to the House with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred engrossed Senate bill No. 60, have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it do pass.

Mr. Drake moved that the House do now adjourn.

Which was not agreed to.

Mr. Overmyer moved that engrossed Senate bill No. 60 be re-committed to the committee on the organization of courts.

Mr. Works moved to lay the motion on the table.

Messrs. Overmyer and Willard demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Brown of Jasper, Caldwell, Confer, Dailey, Dalton, Davis, Drake, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Golden, Herod, Hosmer, Hubbard, Humphreys, Johnston, Lehman, Messick, Nave, Osborn of Elkhart, Reichelderfer, Rooker, Schweitzer, Shanks, Shields, Stucker, Tulley, Vanpelt, VanValzah, Wimmer and Works—38.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Carey, Carter, Compton, Conaway, Connor, Donnell, Drover, Handy, Harland, Hart, Hopkins, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Robinson, Rodman, Skinner, Stevens, Vawter, Watson, Willard and Mr. Speaker—29.

The motion to lay on the table was agreed to.

The question recurring on the motion to concur in the report of the committee.

It was agreed to.

Mr. Overmyer moved that engrossed Senate bill No. 60 be referred to the committee on the organization of courts.

Which was agreed to.

Mr. Johnson moved that the House adjourn.

Which motion was not agreed to.

Mr. Osborn moved that when the House adjourn it be until 9 o'clock A. M. to-morrow.

Which was agreed to.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 118, have had the same under consideration and direct me to report the same back to the House, with the recommendation that the same be amended by striking out sections 108, 108½, 109, 110, 111, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132. Also, amend section 115 to read as follows:

Section 115. The salaries of the judges of the circuit courts in this State shall be as follows: In all counties having a voting population not exceeding three thousand, \$1,000; in all counties having a voting population of more than three thousand and not exceeding five thousand, \$1,200; in all counties having a voting population of more than five thousand and not exceeding ten thousand, \$1,500; in all counties having a voting population of more than ten thousand, \$1,800.

Your committee would also ask the attention of the House to the relative cost of the two systems—the present and the one proposed. There are now forty-three judges, presiding in the same number of districts, at salaries of \$2,500 each, amounting to \$107,500; there are forty-three prosecutors, at salaries of \$500 each, aggregating \$21,500—in all \$129,000. The proposed system requires ninety-two judges, with salaries as follows: Fifteen at \$1,000, forty-one at \$1,200, thirty-four at \$1,500, and two at \$1,800—aggregating \$118,800; there are ninety-two prosecuting attorneys, at \$500 each—in all, \$46,000; making cost of this system \$164,800. But this bill provides that the fees in State cases be paid into the county treasury, which will, in the opinion of the committee, meet the expense of the prosecutors' salaries—thus making the proposed system cheaper by \$10,000 than the present one. To this saving may also be added that now paid to numerous bailiffs, that is made necessary by crowding so much business in short terms under the present system, and the expense of keeping prisoners in jail under the present law, from one term to another; also, the extra expense of juries, who, under the present system, are often kept in court awaiting the trial of some cause in which their services are needed, at great expense to the people and loss of time to themselves.

Your committee would further ask the particular attention of the House to the greater facilities furnished by this system in the settlement of decedents' estates, with other great advantages that might be named. Your committee would recommend that, after the amendments above recommended are made, that the bill do pass. The committee also recommends that two hundred copies of the bill, as amended, and this report, be printed for the use of the House.

On motion of Mr. English, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.



## TUESDAY MORNING.

FEBRUARY 18, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Mr. Mitchell, the member from Washington.

The Journal of yesterday was read in part, when, on motion of Mr. Herod, the further reading was dispensed with.

House Bill No. 606. Introduced by Mr. Bearss, entitled "An act to amend section 56 of an act entitled an act defining misdemeanors and prescribing the punishment thereof, approved June 14, 1852."

Read the first time.

House Bill No. 607. Introduced by Mr. Huthsteiner, entitled "An act to amend the first section of an act approved March 3, 1877, entitled an act to amend the first section of an act approved February 2, 1855, entitled an act to amend an act entitled an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State."

Read the first time.

The resolution of Mr. Osborn, of Elkhart, presented yesterday, was taken up and adopted.

The resolution of Mr. Galbraith, presented on yesterday, was taken up.

Mr. Lehman moved that the resolution do lie on the table.

Which was agreed to.

The resolution of Mr. Johnston, presented on yesterday, was taken up and adopted.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 273, introduced by Mr. March, of Delaware, have had the same under consideration and instruct me to report it back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House-bill No. 321, introduced by Mr. Bearss, "an act to amend section 62 of an act providing for the election and qualification of justices of the peace," have had the same under consideration and instructed me to report the same back, recommending that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House-bill No. 211, introduced by Mr. Thayer, entitled "A bill to provide for the cancellation of judgments on transcripts from justices," have had the same under consideration, and have instructed me to report the same back to the House, with the recommendation that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House-bill No. 378, entitled "A bill defining misdemeanors, approved June 14, 1852," have had the same under consideration, and have instructed me to report the same back, recommending that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House-bill No. 310, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that the bill do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred engrossed Senate Bill No. 192, entitled "An act to amend section 468 of an act entitled an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," have had the same under consideration, and have instructed me to recommend that the bill do lie on the table.

The report was concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report.

MR. SPEAKER:

Your committee on the judiciary, to whom was referred engrossed Senate bill No. 30, entitled "an act to authorize guardians to settle the estates of deceased wards," instructed me to report that they have had said bill under consideration and they herewith return the same to the House and recommend that the bill do pass.

Report concurred in and the bill passed to the third reading.

Mr. Osborn, from the committee on the judiciary, submitted the following report.

MR. SPEAKER:

Your committee on the judiciary, to whom was referred engrossed Senate bill No. 125, entitled "An act providing for the punishment of persons in the possession of stolen personal property in this State, the same having been stolen in some other state or territory of the United States or foreign country," instructed me to report that they have had said bill under consideration and they herewith return the same to the House and recommend that the bill do pass.

Report concurred in and bill passed to a third reading.

Mr. Osborn, from the committee on the judiciary, submitted the following report.

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 499, entitled "a bill for an act to amend an act entitled an



act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity, approved June 18, 1852," have had the same under consideration and have instructed me to return the same to the House and recommend that the bill do pass.

The report was concurred in and the bill ordered to be engrossed.

Mr. Osborn, from the judiciary committee, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 439, being "an act to legalize certain sales and conveyances made by county auditors to secure the payment of loans of the school funds," have had the same under consideration and have instructed me to report the same back to the House, and recommend that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 464, introduced by Mr. March, of Delaware, have had the same under consideration and have instructed me to report the same back to the House and recommend that the bill do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 349, entitled "a bill for an act supplemental to an act entitled an act defining felonies, and prescribing punishment therefor, approved June 10, 1852," have had the same under consideration and have instructed me to report the bill back to the House and recommend that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 217, "an act providing that deeds and other instruments acknowledged before justices, mayors and notaries public of the Dominion of Canada, be admitted to record as evidence in the courts," have had the same under consideration and have instructed me to report the same back to the House and recommend that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 332, entitled "a bill for an act supplemental to an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852, have had the same under consideration, and have instructed me to report the same back to the House and recommend that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 542, entitled "a bill for an act touching the boarding of prisoners confined in the common jails of the several counties of the State," have had the same under consideration and have instructed me to report the same back to the House and recommend that the bill do pass.

Mr. Herod moved that the report lay on the table.

Which was agreed to.

Mr. Overmyer moved to amend House bill No. 542, as follows:

Strike out from lines five, six and seven the words, "in which there is a population of thirty thousand souls or upwards thereof."

Also, strike out from line ten the word "thirty," and insert in lieu thereof the word "forty."

Also, strike out from section 1, all after the words "no more," in line eleven.

Mr. Osborn, of Elkhart, asked for a division of the question.

So the motion was put on striking out all in reference to population.

Which was agreed to.

Mr. Wimmer demanded the previous question.

Which was seconded.

The question recurring on the amendment of Mr. Overmyer, to strike out "thirty cents," and insert "forty cents."

It was agreed to.

Mr. Overmyer offered the following amendment:

Amend the bill by adding to section 1, after the words "no more," in line eleven, the following: "*Provided*, That such sheriff or jailor shall receive the sum of thirty cents per day for boarding each person beyond the number of two, that may be imprisoned at any one time."

Mr. Briggs moved to amend the amendment by striking out "two" and inserting "five."

Which was adopted.

And the amendment as amended was adopted.

Mr. Watson offered the following amendment:

For each person committed to jail..... 15 cents.

Discharging each person..... 15 cents.

On motion of Mr. Briggs the amendment was laid on the table.

Mr. Lindley moved to amend by striking out the words "or jailor."

Which was adopted.

Mr. Briggs moved that House bill No. 542 be ordered engrossed.

Which was agreed to.

Mr. Willard moved that the House do now proceed to the special order.

Mr. Johnson moved to amend by postponing until 11 o'clock.

Which was agreed to.



Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 286, have had the same under consideration, and direct me to report the same back to the House, with the recommendation that it be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. An act entitled an act to amend sections 4 and 6 of an act entitled an act prescribing the powers and duties of coroners, approved May 27, 1852, and providing for an emergency, approved February 9, 1871, be amended to read as follows:

Every coroner, as soon as he shall be notified that the dead body of any person supposed to have come to his death by violence or casualty is within his county, shall immediately proceed to inquire upon view of the body how and in what manner he came to his death.

Section 2. That sections 2 and 3 of said act are hereby repealed.

Section 3. That section 10 of an act entitled, "An act prescribing the powers and duties of coroners," approved May 27, 1852, be so amended as to read as follows: Section 10. The coroner, having viewed the body and heard the evidence and made all necessary inquiry, shall draw up his verdict upon the death under consideration in writing, and sign the same with his name.

Section 4. That section 11 of said last named act be amended to read as follows: Section 11. The coroner shall also make a report, in writing, giving therein a particular and minute description of the deceased person, together with his name (if the same can be ascertained), and the amount of money and other valuables found with the dead body; which report, with said verdict so found by him, shall be by him filed in the office of the clerk of the circuit court of the county in which said body is found, immediately after his inquest is completed; and if there be no person known to him lawfully entitled to take possession of any money or other valuables found with any dead body, said coroner shall, after said inquest, immediately deliver the same to the treasurer of said county, who shall deliver the same to any person legally authorized to receive the same, within one year after he has so received the same from said coroner: *Provided, however,* that so much thereof as may

be necessary to defray the expenses of such coroner's inquisition and funeral expenses of said body may be, by said treasurer, appropriated and used for that purpose; and his doings therein, with the amount so expended by him, shall be reported to the board of commissioners of said county for their approval.

Section 5. That sections 5 and 7 of said act are hereby repealed.

Section 6. Coroner's juries are hereby abolished.

Section 7. All laws and parts of laws in conflict with this act are hereby repealed.

Section 8. An emergency exists for the immediately taking effect of this act, therefore the same shall be in force from and after its passage.

Also, that the title of the bill be amended to read as follows:

An act to amend section 1 of an act entitled "An act to amend sections 4 and 6 of an act entitled an act prescribing the powers and duties of coroners, approved May 27, 1852, and providing an emergency, approved February 9, 1871, and to repeal sections 2 and 3 thereof; also, to amend sections 10 and 11 of an act entitled an act prescribing the powers and duties of coroners," approved May 27, 1852, and to repeal sections 5 and 7 of said act abolishing coroner's juries.

And that when so amended the bill do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 393, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that it be amended by inserting after the word "state," in line 23 of page 1, the words "every attorney at law practicing or doing business as such in this State."

Also, by inserting after the word "state," in line 15 of page 2 thereof, the words "or any person or persons for whom said attorney at law has collected or received any money or other thing of value as such attorney."

And when so amended the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 426, "providing when certain costs shall be paid," have had the same under consideration and direct me to report the same back to the House recommending that the bill do pass.

Report concurred in and bill ordered engrossed.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 229, "a bill to amend a part of section 9 of the act touching guardian and ward, approved June 9, 1852," have had the same under consideration and directed me to report that while they approve of the object of the bill, yet, in their opinion, it can not be accomplished in the present form of this bill. It proposes to amend a portion of a section without incorporating the whole section intended to remain in force.

The committee, therefore, recommend that the bill be amended by striking out all after the enacting clause in the first section, and by inserting the following amendment, which embraces the proposed amendment as incorporated in the entire section:

That section nine (9) of the above entitled act shall be and the same is hereby amended to read as follows:

Section 9. It shall be the duty of every guardian of every minor—

First. To make out and fill within three months after his or her appointment, a full inventory, verified by oath or affirmation, of the real and personal estate of his or her ward, with the value of the same and the value of the yearly rent of the real estate, and failing so to do, it shall be the duty of the proper court to remove such guardian and appoint a successor.

Second. To manage the estate for the best interest of his ward.

Third. To render on oath, to the proper court, an account of his receipts and expenditures, as such guardian, properly verified by vouchers or proof to the satisfaction of the court, at least once in every year, and in case such report shall show that there is money in the hands of the guardian subject to draw interest, such guardian



shall also show in his report in what manner and to whom such money is loaned and upon what kind and class of securities, and at what rate per cent. per annum, making, in regard thereto, a full and complete and itemized statement, giving dates, names and times when due and payable, and shall also, at the same time with his report, show to the court the notes, bonds, mortgages, contracts or other instruments upon which such loans are made, and any guardian failing to do so promptly and correctly in accordance with the provisions of this act, shall receive no allowance whatsoever for his services, and shall be liable to his said ward or wards, upon his official bond, for ten per cent. damages on the whole amount of the estate, real and personal, in his hands, belonging to such ward or wards, and shall also be liable to attachment and fine for contempt of court.

Section 2. All laws and parts of laws in conflict with or inconsistent with the provisions of this act are hereby repealed.

The report of the committee was concurred in.

Mr. Sleeth offered the following amendment:

Provided the court, in its discrimination, may continue the case for two years when there is less than five hundred dollars in the hands of the guardian.

Which was adopted and the bill ordered engrossed as amended.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 119, entitled "an act to amend sections 71 and 72, in relation to the election and qualification of justices," have had the same under consideration, and the majority have directed me to report the same back and recommend that it do pass, after adopting the following amendment:

After the words "value thereof," in the first section, insert the following: "And alleging that the same have not been taken by virtue of any execution or other writ against him, or if so taken, that the same are exempt from execution by virtue of the laws of this State, and claiming damages, if any are demanded, not exceeding two hundred dollars."

Amend the title so as to recite that it is an amendment to an act approved March 5, 1859; amending the seventy-first section instead of an amendment to the section itself.

Report concurred in and the bill as amended ordered engrossed.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House resolution No. 29, introduced by Mr. Drover, relative to the abolition of grand juries, have had the same under consideration and have instructed me to report the same back, and to inform the House that, in the opinion of the committee, it is not expedient to abolish the grand jury system.

Which report was concurred in.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on organization of courts, to whom was referred House bill No. 549, entitled "an act to amend an act providing for a more speedy trial of causes," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and bill ordered engrossed.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on organization of courts, to whom was referred engrossed Senate bill No. 268, entitled "an act to fix the times of holding courts in the second judicial circuit," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on organization of courts, to whom was referred House bill No. 457, entitled "an act to amend an act to divide the State into circuits for judicial purposes," etc., have had the same

under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and bill ordered engrossed.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred House resolution instructing this committee to inquire into the expediency of redistricting the State for judicial purposes, have had the same under consideration and direct me to report the resolution back to the House of Representatives, with the recommendation that it be indefinitely postponed, for the reason that it is impracticable at this date in the session.

Which was concurred in.

Mr. Miers moved that House bill No. 105, and report of the committee be taken from the table.

Which was agreed to.

Report concurred in and the bill ordered engrossed.

Mr. Miers moved that the House bills No. 300 and 288 be taken from the table.

Which was agreed to.

The question being, will the House concur in the report of the committee on House bill No. 300?

Which was concurred in.

The question then being, will the House concur in the report of the committee on House bill No. 288?

Which was concurred in, and the bill ordered to be engrossed.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 372, have had the same under advisement, and have directed me to report the same back to the House, with the recommendation that the same be indefinitely postponed.

Which report was concurred in.



Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 16, have had the same under consideration and have directed me to report the same back to the House and recommend the same be amended by striking out the word "townships," in section 1, page ten; also, to insert after the word "property," on line eleven, the following, to-wit: "Not exceeding in value one thousand dollars;" also, to insert after the words "real estate," in section 1, line twelve, the following, to-wit: "Not exceeding forty acres."

And when so amended recommend that the same do pass.

Report concurred in and the bill ordered engrossed.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 506, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Lehman moved that the House proceed to the consideration of the special order.

Mr. Johnston moved that the special order be postponed until 2 o'clock P. M.

Which was agreed to.

Mr. Drake, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 240, "an act to prevent carrying dangerous and concealed weapons, and to provide punishment therefor," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Mr. Edwins, from the committee on rights and privileges, submitted the following minority report:

MR. SPEAKER:

A minority of your committee on rights and privileges, to whom was referred House bill No. 240, "an act to prevent carrying concealed weapons, and to provide punishment therefor," have had the same under consideration, and would recommend that the bill be indefinitely postponed.

On motion the minority report was laid on the table.

The question recurring on the concurring in the report of the committee.

The same was concurred in.

Mr. Watson offered the following amendment:

Amend by striking out the words "not being a traveler."

Mr. Osborn, of Elkhart, offered the following amendment to the amendment:

By inserting "not being an officer in the performance of his duty."

Mr. Miers moved that the report and bill with amendments do lay on the table for the present.

Which was not agreed to.

Mr. March moved that the bill and amendments be recommitted to same committee with instructions to report on Wednesday morning.

Which was agreed to.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 22, "an act exempting homestead and other property from execution," have had the same under consideration and direct me to report the same back recommending that it do pass.

Mr. Stevens, from the committee on rights and privileges, submitted the following minority report:

MR. SPEAKER:

The undersigned, members of your committee on rights and privileges, beg leave to make the following report on House bill No. 22:

Amend said bill by striking out all after the enacting clause, as reported by the majority of the committee, and insert as follows:

Section one of an act entitled an act to exempt property from sale in certain cases, approved February 17, 1852, be amended to read as follows:

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That an amount of property not exceeding in value five hundred dollars, owned by any resident householder, shall not be liable to sale on execution or any other final process from a court, for any debt growing out of or founded upon a contract, express or implied, after the fourth of July, 1879.

And when so amended recommend that the same do pass.

Mr. Overmyer moved to recommit the bill with the following instructions:

First. Strike out all after the enacting clause in section 1, and insert the following: That an amount of property not exceeding in value five hundred dollars, owned by any resident householder, shall not be liable to sale on execution or any other final process from a court for any debt growing out of or founded upon a contract, express or implied. *Provided*, This act shall not apply to contracts heretofore made, but as to such contract the exemption provided for in the act of February 17, 1852, shall apply.

Second. Strike out all the remainder of said bill after the first section, and insert the following: Section 2. All laws and parts of laws in conflict with this act are hereby repealed.

Mr. Shanks moved the following amendment: Insert \$1,500 in place of \$500.

Mr. Briggs moved to lay the amendment of Mr. Shanks on the table.

On the motion of Mr. Briggs, Messrs. Rooker and March demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Briggs, Brown of Jasper, Caldwell, Carey, Compton, Confer, Connaway, Connor, Cope-land, Cunningham, Dailey, Dalton, Davidson, Donnell, Drake, Drover, English, Faulkner, Flodder, Galbraith, Golden, Harland, Hart, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Miers, Mitchell, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Scholl, Schweitzer,



Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Barker, Bearss, Blockley, Brown of Steuben, Bryant, Campbell, Carter, Davis, Edwins, Handy, Herod, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Osborn of Vermillion, Robinson, Rodman, Rooker, Saint, Shanks, Taylor of Daviess, Thompson and Willard—27.

The motion to lay on the table was agreed to.

Mr. Johnston moved to amend by inserting \$1,000, in place of \$500.

Mr. Rodman was granted leave of absence for the day.

Mr. Connor moved to lay the amendment and the amendment to the amendment on the table.

A division was called for, and the vote was taken first on laying the amendment of Mr. Johnston on the table.

On the question, Messrs. Willard and Works demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Caldwell, Connaway, Copeland, Dailey, Dalton, Donnell, Drake, Drover, English, Galbraith, Golden, Harland, Hart, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Overmyer, Perry, Reichelderfer, Robeson, Sleeth, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vawter, Watson and Mr. Speaker—38.

Those who voted in the negative were: Messrs. Allen, Baker, Barker, Blockley, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Compton, Confer, Connor, Cunningham, Dalton, Davis, Edwins, Faulkner, Handy, Herod, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Osborn of Elkhart, Osborn of Vermillion, Owen, Reed, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shields, Skinner, Snoddy, Taylor of Daviess, Thayer, Thompson, Tulley, Vanpelt, Willard, Wimmer and Works—51.

The amendment of Mr. Johnston was not laid on the table.

The question being on Mr. Johnston's amendment.

The same was adopted.

The question recurring on the amendment of Mr. Overmyer, as amended by Mr. Johnston.

Mr. Owen moved to lay the whole subject on the table, and that the committee on rights and privileges be instructed to report House bill No. 22 back to the House on Wednesday morning at 9 o'clock A. M., with the amendments recommended.

Which was agreed to.

On motion of Mr. Edwins, the House adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

FEBRUARY 18, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The special order for this day and hour being the consideration of House bill No. 113.

It was taken up.

Mr. Osborn moved that House bill No. 113 be considered by sections.

Which was agreed to.

Mr. Works offered the following amendments:

Amend section 1, by adding after the first proviso thereof, the following:

*And provided further,* That in counties having a voting population of less than twenty-five hundred, such salaries shall be decreased twenty-five dollars for each one hundred voters in said counties less than twenty-five hundred; said voting population to be determined by the last preceding State enumeration.

Which was agreed to.

Mr. Miers offered the following amendment:

Amend House bill No. 113, section 1st, line five, by striking out "one thousand dollars," and inserting in lieu thereof "fifteen hundred dollars;" and, in line six, strike out "one thousand dollars," and insert "fifteen hundred dollars."

Mr. Reed asked for a division of the question.

Which was ordered, and the vote was first taken on the treasurer in line five.

On the amendment of Mr. Miers, Messrs. Willard and Mitchell demanded the ayes and noes. .

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Blockley, Campbell, Carey, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Donnell, Drover, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Lehman, Messick, Miers, Nave, Overmyer, Owen, Reichelderfer, Robeson, Robinson, Scholl, Schweitzer, Shanks, Shields, Skinner, Snoddy, Thayer, Thornburg, Tulley, Vanpelt, Vawter and Mr. Speaker—45.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carter, Copeland, Dalton, Davidson, Davis, Drake, Edwins, Faulkner, Hart, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Rooker, Saint, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, VanValzah, Watson, Willard, Wimmer and Works—47.

The amendment was lost.

Mr. English was granted leave of absence.

The question being as to the clerk, in line six, Messrs. Willard and Mitchell demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Bryant, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davis, Donnell, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Herod, Hess, Hosmer, Kester, Kirkpatrick, Lehman, Lindley, Messick, Miers, Nave, Osborn of Elkhart, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Scholl, Shanks, Shields, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson, Works and Mr. Speaker—59.



Those who voted in the negative were: Messrs. Alden, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carter, Dalton, Davidson, Drake, Harland, Hart, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Major, March, Mitchell, Osborn of Vermillion, Perry, Rooker, Saint, Schweitzer, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, VanValzah, Willard and Wimmer—34.

The amendment was adopted.

Mr. Thayer offered the following amendment:

Amend by adding after the word "thousand," in line eight, the words "for the purpose of paying clerk and deputy hire"; and in line nine strike out the words "twenty-five" and insert "forty."

On motion of Mr. Johnston, the amendment was laid on the table.

Mr. Herod offered the following amendment:

*And provided further*, That in counties where there are more than one court, the board of county commissioners may allow to the sheriff of said county, in addition to the salary above provided for, the actual and necessary cost he may incur for the hire of one deputy for each of such courts, in addition to the circuit courts.

Which amendment was adopted.

Mr. Skinner offered the following amendment:

Amend section 1 by inserting:

*Provided further*, That nothing in this act apply to executions now in the hands of the sheriffs of the several counties of this State, or to fees to which the clerks or sheriffs may be entitled at the taking effect of this act.

Which amendment was adopted.

Section 2 was read.

Section 3 was read.

Mr. Willard submitted the following amendment:

Amend Section 3, line three, by inserting after the words "either of them," the following: "except clerks and sheriffs."

\* On the adoption of the amendment of Mr. Willard, Messrs. Willard and Briggs demanded the ayes and nays.

The roll was called.

Those who voted in the affirmative were: Messrs. Connaway, Connor, Cunningham, Dalton, Davidson, Drake, Flodder, Galbraith, Golden, Herod, Hosmer, Kelly, Kirkpatrick, Lindley, Overmyer, Owen, Reichelderfer, Robinson, Sleeth, Vawter and Willard—21.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Copeland, Dailey, Davis, Donnell, Drover, Edwins, Faulkner, Garrouette, Ginz, Handy, Harland, Hart, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Robeson, Rooker, Saint, Scholl, Schweitzer, Shanks, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Watson, Wimmer, Works and Mr. Speaker—72.

The amendment was not adopted.

Mr. Saint offered the following amendment:

Amend by adding after the word "of," in line four, the words, "a special judiciary fund," and after the word "county," in the same line, add the words, "as such."

Which amendment was adopted.

Mr. Osborn, of Elkhart, offered the following amendment:

Amend section 4 so that it will read as follows:

Section 4. The persons requiring or obtaining any official acts or services to be done shall pay into the hands of the officers the several sums as hereinafter designated and prescribed, which shall in all cases be paid before the official acts are done or services rendered, except in the cases of poor persons. Such persons may, if plaintiffs, or when instituting proceedings before the board of county commissioners, file with their complaint, or at the time of the commencement of such proceedings, their affidavit that they are unable to pay the sums required by this act, and that their action or proceeding is commenced in good faith, and thereupon the actions and proceedings may be instituted and carried on, and the officers shall perform the several duties required by law without such money being first paid, and if the court or board shall afterward,

upon due proof made, find that said affidavit is true, the said actions or proceedings may be continued and concluded without the payment in advance of the fees and sums required by this act, but if said affidavit be found untrue the said cause or proceedings shall be dismissed at the costs of the plaintiff or person commencing it, who shall be liable to pay said costs upon fee bill or execution, to be issued according to law.

Mr. Hess offered the following amendment to the amendment:

Amend section 4, by striking out line four, in said section, and insert in lieu thereof the following, to-wit: Due and payable after the official acts are done or services rendered.

On motion of Mr. Van Valzah, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## WEDNESDAY MORNING.

FEBRUARY 19, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The House was opened with prayer by the Hon. Mr. Snoddy, the member from Hendricks county.

The journal of yesterday was read in part, when, on motion of Mr. Johnston, the further reading of the journal was dispensed with.

Mr. Johnston offered the following resolution:

*Resolved*, That hereafter no member of this House shall speak more than ten minutes upon any question without the unanimous consent of the House.

Which was, under the rule, laid over one day.

House Bill No. 608. Introduced by Mr. Humphreys, entitled "An act for the relief of Aaron Combs and Byrd Combs, sureties upon the bond of Jefferson Oliphant, former trustee of Center township, Greene county, Indiana."

Read the first time.



Mr. Nave, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills respectfully report that they have compared House bills Nos. 187 and 231, and find them correctly engrossed.

Mr. Vawter, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills respectfully report that they have compared House bills Nos. 75, 126, 456, 173, 493, 476 and 511, and find them correctly engrossed.

Mr. Scholl, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills beg leave to report that they have examined House bills Nos. 200, 217, 568 and 303; also Senate bill No. 58, and find them correctly engrossed.

Mr. Scholl, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills beg leave to report that they have examined House bills Nos. 475, 351, 58, 443, 138, 482, 544, 202, 383, 243, 188, 107, 261, 39, 402, 172, 120, 192, 449, 317, 253, 206 and 238, and find them correctly engrossed.

The consideration of House bill No. 113 pending at adjournment, the same was resumed.

Mr. Osborn, of Elkhart, offered the following amendment:

Amend section 1, in the printed copy of the bill, page one, line five, by striking out "one thousand dollars," and inserting in lieu thereof "fourteen hundred dollars."

Amend by inserting the following proviso after line eleven, in section 1, of the printed bill, viz.: "*And provided further, That in counties having a voting population of less than twenty-five hundred, such salaries shall be decreased twenty-five dollars for each one hundred voters in said county less than twenty-five hundred—said voting population to be determined by the last preceding State enumeration.*"

And by inserting in line twelve, after the word "clerk," the words, "and sheriff;" and after the word "clerks," in line thirteen, of said section, the words "and sheriffs;" and by inserting after the word "clerks," in line fourteen, of said section 1, the words "and sheriffs."

Amend section 3 by inserting in line three, of printed copy, after the word "them," the following, viz.: "by any person, as hereinafter provided;" and by inserting in line four, after the word "county," the following, viz.: "court fund, as hereinafter provided."

Amend section 4 by striking out lines one, two, three, and four, of the printed copy, and inserting in lieu thereof the following, viz.:

Section 4. The persons requiring or obtaining any official acts or services to be done, shall pay into the hands of the officers the several sums as hereinafter designated and prescribed, which shall, in all cases, be paid at the time the official acts are done or services rendered, except in the cases of poor persons—such persons may, if plaintiff, or when instituting proceedings before the board of county commissioners, file with the complaint or at the time of the commencement of such proceedings, their affidavit that they are unable to pay the sums required by this act, and that their action or proceedings is commenced in good faith; and thereupon the action and proceedings may be instituted and carried on, and the officers shall perform the several duties required by law without such money being first paid; and if the court or board shall afterward, upon due proof made, find that said affidavit is true, the said actions or proceedings may be continued and concluded without the payment in advance of the fees and sums required by this act, but if the said affidavit be found untrue the said cause or proceedings shall be dismissed at the cost of the plaintiff or person commencing it, who shall be liable to pay said costs upon fee bill or execution, to be issued according to law.

And amend section 4, by inserting in line seventeen, of the printed bill, after the word "denial," the following, viz.: "and in all cases of ejectment or for quieting title to real estate;" and by striking out "three hundred dollars," in line forty-eight, of the printed bill, and inserting "one hundred and fifty dollars;" further amend by striking out all of section 9, and inserting the following, viz.:

Section 9. Nothing in this act contained shall be construed to affect the fees or costs in criminal cases, but the clerks and sheriffs shall be entitled to collect and retain their fees and costs in such causes in the same manner as now or heretofore may be provided by law.

Amend section 10 by striking out all of said section and in lieu thereof insert the following:

All moneys belonging to the county and received by the clerk and auditor, as herein provided, and all costs collected under the provisions of section 4 of this act, shall be paid over to the board of county commissioners upon the first day of each regular session. The board shall make a record thereof and cause the same to be paid over to the treasurer, taking his receipt therefor; and said moneys shall be and constitute a fund for the payment of the expense of the circuit, criminal circuit and superior courts of the said counties respectively, to be known as the court fund, and to be applied, first, to the payment of fees and mileage due to jurors and grand jurors; secondly, to the payment of bailiffs and other expenses of the courts allowed by the several judges thereof; and if any surplus remains, to be applied upon the salaries of the clerk and sheriff, or either of them. And it shall be the duty of the treasurer to keep such fund separate from the other funds, and the duty of the auditor to draw the warrant for the payment of the said fees, expenses and salaries upon said fund as herein prescribed; and said fund shall in no case be used for any other purpose than the support and maintenance of the judiciary in said county.

Amend section 11 by striking out in line five of the printed bill the words "thirty cents per day each," and by inserting in line six, after the word "mentioned," the following, viz.: "Such sum as may be allowed by law."

Amend section 14, in line three of the printed bill, by striking out "fifty cents" and inserting in lieu thereof "one dollar."

Further amend by inserting after section 14 the following, to be numbered sections 15 and 16, viz:

Sec. 15. The parties, or either of them, in causes and adversary proceedings in the circuit court may, at their option, give a bond for the payment of the costs that may be adjudged against them in said causes and proceedings, and in case such bond is executed and filed with and to the approval of the clerk, such parties, or either of them, may file their pleadings or papers, prosecute and defend, and



proceed in such causes and proceedings without the payment of the said sums of money at the time the services are rendered or acts are done as hereinbefore provided. But in such cases the several sums of money as hereinbefore provided for shall be charged therein against the persons or parties obtaining the services or acts to be done, as docket fees or costs in the cause or proceeding. Such bond shall be made payable to the State of Indiana, and shall be conditioned for the prompt payment of all costs that may in said cause be adjudged against the parties filing the same, and it shall be a lien upon all real estate owned by the persons signing it, within the county, from the date of filing. It shall be signed by the party, and by at least one freeholder of the county as surety, and the clerk shall not approve the bond unless such surety have unincumbered real estate within the county sufficient to make ——— bond ample security for the payment of all costs that may accrue; and in case any bond is taken and approved which at the time is not amply sufficient to secure the payment of the costs, the clerk receiving and approving the same shall be liable upon his official bond for the payment of such costs. If upon the termination of the cause or proceeding in the circuit court, and final judgment rendered therein, the person or party adjudged to pay the costs, or any part thereof, shall not promptly pay the same, then suit may be brought upon said bond in the name of the State of Indiana upon the relation of the county.

Sec. 16. It is hereby made the duty of the prosecuting attorney to bring such action within thirty days after such judgment shall be rendered, and the appeal of the said cause shall in no manner stay the payment of the said costs, nor prevent the collection thereof in such action. Any judgment rendered in such action shall be without relief from valuation or appraisement laws, and without stay of execution, and the prosecuting attorney shall be entitled to recover therein ten dollars as a docket fee for his services, to be charged and recovered as costs in the action; and the money, when recovered, shall be received by the clerk, and be paid over to the board of commissioners in the manner and for the purposes as hereinbefore provided for.

Amend section 15 of the printed bill by striking out "fifteen" and inserting in lieu thereof "seventeen."

Further amend by adding the following section:

Sec. 18. Nothing in this act contained shall be construed to, in any way, affect the fees or costs that may be due or payable to any

of said officers by reason of services rendered before the taking effect of this act, but all such fees and costs shall belong to and remain the property of said officers, the same as though this act had not been passed, and may be collected and retained by them in the same manner as now may be allowed or provided by law.

Mr. March offered the following amendment to the amendment:

Amend section two by inserting after the word "therefor," in line thirteen, the words, "and except also that when real estate has been advertised and offered for sale for taxes and remains unsold for want of bidders."

Which amendment was accepted.

The amendment of Mr. Osborn was adopted as amended.

Mr. Allen moved that House bill No. 113 be recommitted to the committee on the judiciary.

Mr. Willard moved to amend by referring to the committee on fees and salaries.

Mr. Briggs moved to lay both motions on the table.

Which was not agreed to.

The question being on Mr. Allen's motion.

The same was not agreed to.

The motion of Mr. Willard being put.

The same was not agreed to.

Mr. Overmyer moved to strike out the enacting clause.

On this motion Messrs. Overmyer and Osborn, of Elkhart, demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Cunningham, Dalton, Davidson, Davis, Drake, Drover, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Herod, Hopkins, Hosmer, Humphreys, Kester, Kirkpatrick, Lehman, Messick, Miers, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Shields, Sleeth, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vanpelt, VanValzah, Vawter, Willard and Works—57.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Barker, Carter, Copeland, Dailey, Donnell, Edwins, Ginz, Hess, Hubbard, Huthsteiner, Johnston, Kelly, Lindley, Major, March, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Rooker, Scholl, Schweitzer, Shauck, Shutt, Skinner, Snoddy, Stevens, Stucker, Thompson, Watson and Mr. Speaker—35.

The motion was agreed to.

Mr. Willard moved that House bill No. 344 be recommitted to the committee on fees and salaries.

Which was agreed to.

Mr. Johnston presented a petition from the citizens of Parke county.

Which was referred to the committee on fees and salaries.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has refused to concur with the House of Representatives in House concurrent resolution No. 7, concerning license to sell tobacco.

Also, that the Senate has refused to concur with the House of Representatives in House concurrent resolution No. 13, concerning a reduction of salaries of federal officers.

And the same are herewith returned to the House.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate bill No. 131, and the same is herewith submitted to the House for its action thereon.

Engrossed Senate Bill No. 131, entitled "An act providing for the election of a police judge in all cities of this State, organized under the general laws of this State, having a voting population of sixteen thousand or more, as shown by the votes cast for Governor at the last preceding election, defining his jurisdiction, duties, powers, term of office, and how compensated, the name and style of the court over which he presides, prescribing the mode of procedure



and practice in case of appeals therefrom, designating the attorney of such court, defining his duties and fixing his compensation, giving the county commissioners of the county in which such city is situated the power to fix a salary for the state prosecuting attorney of such county, to be paid by such county, repealing all laws in conflict with this act, and declaring an emergency."

Read the first time.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed House joint resolution No. 20, providing for the entertainment of the standing committee on reform schools for boys and girls of the General Assembly of the State of Ohio, and the same is herewith submitted to the House of Representatives.

Mr. Briggs moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Works and Mr. Speaker—95.

On motion of Mr. Johnston the further proceedings under the call were dispensed with.

Engrossed Senate bill No. 30 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Works and Mr. Speaker—95.

No one voting in the negative.

The bill passed.

Shall the title of the bill as read stand for the title of the act?

It was so ordered.

Engrossed Senate bill No. 101 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman,

Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—94.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 125, was read the third time.

Mr. Sleeth moved to recommit to the committee on the judiciary, with instructions to strike out all after the enacting clause except the second section.

Which was agreed to.

Engrossed Senate Bill No. 268 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—90.

Those who voted in the negative were: Messrs. Carter, Osborn of Vermillion and Saint—3.

The bill passed.



The question being, shall the title as read stand for the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 58, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Confer; Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—90.

Messrs. Carter, Compton, Cunningham, Galbraith and Willard voting no.

The bill passed.

The question being, shall the title as read stand for the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 46 was read the third time.

Mr. Overmyer moved to lay the bill on the table.

Which was agreed to.

Engrossed House Bill No. 76 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Baker, Briggs, Bryant, Caldwell, Campbell, Carey, Compton, Connaway, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Fancher, Flodder, Galbraith, Golden, Herod, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Lehman, Lindley, March, Miers, Overmyer, Owen, Reichelderfer, Robeson, Robinson, Rodman, Shanks, Skinner, Stevens, Stucker, Thayer, Vanpelt, Vawter, Willard and Wimmer—47.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Barker, Blockley, Brown of Jasper, Brown of Steuben, Carter, Confer, Connor, Copeland, Cunningham, Drake, Edwins, Faulkner, Garrouette, Handy, Harland, Hart, Hess, Johnston, Kirkpatrick, Major, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Rooker, Saint, Scholl, Schweitzer, Shauck, Shutt, Sleeth, Snoddy, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Works and Mr. Speaker—43.

The bill failed to pass for want of a constitutional majority.

On motion of Mr. Owen the House adjourned until 2 o'clock P. M.

---

## AFTERNOON SESSION.

FEBRUARY 19, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

On motion of Mr. Willard the call of the House was ordered.

Those answering to their names were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck,

Shutt, Sleeth, Snōddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—76.

On motion further proceedings under the call were dispensed with.

Mr. Willard, from the state house investigation committee, submitted the following report:

MR. SPEAKER:

Your committee on the state house investigation would respectfully represent to this House that during the lawful examination of one O. F. Baker, of Knox county, at the rooms of the State House Commissioners, on February 18, 1879, said witness having been duly sworn, it became then and there a material question whether certain notes had been placed in the hands of said witness, and therefore the following question was propounded to said witness: "Did you, between the time of submission of the plans and the award, have placed in your hands certain notes bearing the signature of Edwin May?" and the said witness thereupon contumaciously, and in contempt of the authority of this House, refused to answer said question as aforesaid, wherefore the committee report these facts to the House for its action thereon.

Which was laid on the table for the present.

On motion of Mr. Overmyer the general appropriation bill was made the special order for Thursday at 10 o'clock A. M.

Engrossed House Bill No. 96 was read the third time and put upon its passage.

By unanimous consent section 3 as it now stands in the Statutes was stricken out.

The question being shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Caldwell, Campbell, Compton, Confer, Connaway, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Flodder, Garrouette, Ginz, Golden, Herod, Hess, Hopkins, Hosmer, Hubbard, Kester, Messick, Perry, Reichelderfer, Robeson, Robinson, Rodman, Schweitzer, Shields, Skinner and Sleeth—35.



Those who voted in the negative were: Messrs. Bearss, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Carey, Carter, Connor, Copeland, Cunningham, Drake, Edwins, Faulkner, Galbraith, Handy, Hart, Humphreys, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Rooker, Saint, Scholl, Shanks, Shauck, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Vanpelt, Vawter, Watson, Willard, Works and Mr. Speaker—52.

The bill failed to pass.

Mr. Harland was excused on account of sickness.

Engrossed House Bill No. 122 was read the third time.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Connaway, Copeland, Dailey, Dalton, Davis, Donnell, Drake, Drover, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Vawter, Wimmer and Works—77.

Those who voted in the negative were: Messrs. Barker, Bearss, Brown of Steuben, Campbell, Carey, Connor, Cunningham, Lindley, Nave, Sleeth, Tulley, Watson, Willard and Mr. Speaker—13.

The bill passed.

The question being, shall the title as read stand for the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 133 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davis, Drake, Drover, Faulkner, Flodder, Garrouette, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lehman, March, Mitchell, Perry, Reichelderfer, Scholl, Shanks, Shauck, Shields, Shutt, Stevens, Stucker, Taylor of Warrick, Thayer, Tulley, Vanpelt, VanValzah and Wimmer—42.

Those who voted in the negative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Cunningham, Davidson, Donnell, Edwins, Galbraith, Ginz, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Lindley, Major, Messick, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Skinner, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Thompson, Thornburg, Vawter, Watson, Willard, Works and Mr. Speaker—54.

The bill failed to pass.

Mr. Allen was granted leave of absence until to-morrow.

Engrossed House bill No. 210 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Steuben, Carey, Carter, Confer, Connaway, Connor, Donnell, Garrouette, Harland, Herod, Hess, Hopkins, Kelly, Kirkpatrick, March, Messick, Miers, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Schweitzer, Shanks, Shauck, Skinner, Snoddy, Stucker, Taylor of Lagrange, Thayer, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Willard and Works—40.

Those who voted in the negative were: Messrs. Alden, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Compton, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Fancher, Faulkner, Flodder, Gal-

braith, Ginz, Handy, Hart, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Lindley, Major, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Rodman, Rooker, Scholl, Shields, Shutt, Sleeth, Stevens, Taylor of Warrick, Tulley, Wimmer and Mr. Speaker—51.

The bill failed to pass.

Engrossed House Bill No. 271 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—85.

Those who voted in the negative were: Messrs. Kirkpatrick, Rooker, Thayer and Tulley—4.

The bill passed.

The question being, shall the title as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 364 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—88.

No one voting in the negative.

The bill passed.

The question being, shall the title as read stand as the the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 496 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor

of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—88.

Those who voted in the negative were: Messrs. Kirkpatrick and Sleeth—2.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act.

It was so ordered.

The Principal Clerk was ordered to inform the Senate thereof.

Engrossed House Bill No. 12 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—90.

Those who voted in the negative were: Messrs. Brown, of Steuben and Lindley—2.

The bill passed.

The question being, shall the title as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 132 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—89.

Those who voted in the negative were: Messrs. Brown of Steuben and Kirkpatrick—2.

The bill passed.

The question being, shall the title as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the senate thereof.

Engrossed House Bill No. 88 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick,



rick, Lindley, Major, March, Messick, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—81.

Those who voted in the negative were: Messrs. Arnold of Wabash, Barker, Davidson, Golden, Harland, Hubbard, Lehman, Mitchell, Perry, Schweitzer, Thornburg and Tulley—12.

The bill passed.

The question being, shall the title as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 455 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer and Mr. Speaker—89.

Those who voted in the negative were: Messrs. Perry and Brown of Steuben—2.

The bill passed.

The question being, shall the title as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House bill No. 497 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—91.

No one voting in the negative.

The bill passed.

The question being, shall the title as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion of Mr. Dailey two hundred copies of House bill No. 47 were ordered printed.

Mr. March, from the committee on conference, submitted the following report:

MR. SPEAKER:

Your committee on conference on House concurrent resolution No. 9, has conferred and agreed on the following:

That the Senate recede from its amendments to said resolution and recommend its passage as it came from the House, and instructs me to report in lieu of the Senate amendment thereto the passage of the following concurrent resolution :

*Resolved by the Senate (the House concurring therein),* That the statutes ordered by the Senate for the use of the members of the Senate be paid for at the rate of eight dollars per set and no more, and that the President of the Senate is authorized to draw his warrant on the treasury for the payment of the same, and the said statutes to be the property of the State.

And your committee recommend the passage of both resolutions.

L. J. WOOLLEN.

B. H. BURRIL.

WALTER MARCH.

CYRUS B. TULLEY.

Report concurred in.

Mr. Hess presented a memorial from the citizens of Huntington county.

Which was referred to the committee on cities and towns.

Mr. Osborn presented a petition from the citizens of Vermillion county.

Which was referred to the committee on temperance.

On motion of Mr. Drake the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

---

THURSDAY MORNING.

FEBRUARY 20, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part when, on motion of Mr. Faulkner, the further reading was dispensed with.



The following communication was received from the Warden of the State Prison North.

MICHIGAN CITY, FEBRUARY 17, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

DEAR SIR: In compliance with a resolution of the House of Representatives, passed January 13, 1879, I hereby have the honor to submit the following statement:

No. 1. Itemized statement of purchases of supplies, materials and other articles, with the cost and date, for the use of this prison, for the years 1877 and 1878.

And also marked Nos. 2 and 3. Annual reports of this prison for 1877 and 1878, showing the receipts and disbursements of this institution for the two years up to the 31st of October, 1878, this being the end of the fiscal year, and also showing the per capita cost of the inmates.

We have no contract for supplies. We have an agreement with Fox Brothers, of Laporte, Ind., for furnishing three thousand yards of striped satinnet for clothing, to weigh twelve ounces per yard, at thirty-seven cents per yard.

Also, a statement in answer to a resolution passed on the same date, marked No. 4, showing the number of officers and employes connected with this prison, and services performed and amount paid therefor. No member of my family is employed in the within list.

I remain your obedient servant,

C. MAYNE, Warden.

On motion, the report and communication was referred to the committee on ways and means.

Mr. Johnston offered the following resolution:

*Resolved,* That hereafter no member of this House shall speak more than ten minutes upon any question without the unanimous consent of the House.

Which was on motion laid over one day.

Governor Williams submitted a report from the special committee of the Senate and the committee on federal relations of the House of delegates as a joint committee of the General Assembly on usurpation of power by the federal judiciary in Virginia.

Which was, on motion, referred to the committee on federal relations.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate concurrent resolution No. 14, concerning the employment by the Doorkeeper of the Senate of an additional assistant.

Also, that the Senate has passed Senate concurrent resolution No. 15, concerning payment for the statutes for the use of the Senate.

Also, that the Senate has receded from its amendments to House resolution No. 9, concerning the employment of Thomas McDaniels as assistant Doorkeeper of the House, and has adopted said resolution as originally submitted to the Senate. And the said resolutions are herewith submitted to the House.

Engrossed House Bill No. 252 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Bearss, Brown of Steuben, Bryant, Campbell, Carey, Connor, Dailey, Dalton, Davis, Drover, Edwins, Galbraith, Garrouette, Ginz, Golden, Hart, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Lindley, Major, March, Mitchell, Osborn of Elkhart, Owen, Perry, Reed, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shauck, Shutt, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Tulley, Watson, Willard, Wimmer and Works—49.

Those who voted in the negative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Connaway, Cunningham, Donnell, Drake, Fancher, Faulkner, Flodder, Handy, Harland, Herod, Hess, Hosmer, Humphreys, Lehman, Messick, Miers, Overmyer, Reichelderfer, Rooker, Shields, Skinner, Sleeth, Stucker, Taylor of Warrick, Vanpelt, VanValzah, Vawter and Mr. Speaker—39.

The bill failed to pass for want of a constitutional majority.

Engrossed Senate Bill No. 131 was read the second time and referred to the committee on cities and towns.

Engrossed Senate Bill No. 6 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Cunningham, Dailey, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Garrouthe, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Major, March, Miers, Mitchell, Nave, Overmyer, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—83.

Those who voted in the negative were: Messrs. Confer, Messick and Thayer—3.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Johnston presented a petition from the citizens of Wells county.

Which was referred to the committee on fees and salaries.

Mr. Briggs asked for a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouthe, Ginz, Golden, Handy, Harland, Hart, Herod,



Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner; Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—94.

On motion of Mr. Willard further proceedings under the call were dispensed with.

On motion of Mr. Humphreys, Mr. Edwins took the chair, the Speaker being absent.

House Bill No. 592—the general appropriation bill—was read the second time.

On motion of Mr. Thompson the House went into the committee of the whole for the consideration of House bill No. 592, with Mr. English in the chair.

Mr. Scholl, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills beg leave to report that they have examined House bills Nos. 499, 310, 426, 549, 87, 321, 393, 273, 401, 349, 464 and 457, and find them correctly engrossed.

Mr. English from the committee on the whole, submitted the following report.

MR. SPEAKER:

Your committee on the whole beg leave to report progress on the consideration of House bill No. 592, and ask leave to set again at 2 o'clock P. M.

Which was agreed to.

On motion of Mr. Allen the House adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

FEBRUARY 20, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

House Bill No. 609. Introduced by Mr. Carter, entitled "An act to authorize appeals from boards of commissioners, in cases of the location or removal of county seats, to the circuit courts, and from the circuit courts to the supreme court of the State of Indiana by persons aggrieved."

Read the first time.

On motion of Mr. Lindley the House resolved itself into the committee of the whole, with Mr. Shanks in the chair.

Mr. Shanks, from the committee of the whole, submitted the following report:

MR. SPEAKER:

Your committee of the whole House, having under consideration House bill No. 592, beg leave to report as follows, and recommend that the House amend the bill as follows:

In line five, page one, strike out "\$2,000" and insert "\$1,500."

Also, strike out line six.

Also, amend line seven on page two by striking out "\$600" and insert "\$350."

Also, amend line eight by striking out "\$800" and insert "\$1,250."

Also, amend line fourteen by striking out "\$1,500" and insert "\$1,000."

Also, amend line fifteen by striking out "\$1,000" and insert "\$800."

Also, amend line eighteen by striking out "\$2,500" and insert "\$1,500."

Amend line twenty-one, page two, by striking out "\$1,500 each \$2,000" and insert "\$1,000 each \$2,000."

Amend by striking out lines twenty-two and twenty-three of page two.

Also, amend by striking out line thirty of page two.

Also, amend by striking out, in line thirty-two, page two, "\$2,500," and insert "\$2,000."

Also, amend line thirty-three, page two, by striking out "\$1,800" and insert "\$1,500."

Also, amend line thirty-four, page two, by adding "or so much thereof as is necessarily expended."

Also, amend by striking out line fifty-three, page two.

Also, amend line fifty-five on page three, by adding "so much thereof as is necessarily expended."

Also, amend by inserting in line sixty-two, page three, the words, "except his necessary expenses, not including per diem," after the word "pay."

Also, amend line seventy-eight, page four, by striking out "\$2,000" and inserting "\$1,500."

Also, amend by striking out lines seventy-nine, eighty, eighty-one and eighty-two.

Also, amend by striking from line ninety-four, page five, the word "seventeen," and inserting "twelve."

Also, amend lines one hundred and six and one hundred and seven, page five, by striking out the words "fourteen hundred and fifty," and inserting "eight hundred."

Also, amend line one hundred and thirty-one, page six, by striking out "\$300" and inserting "\$120."

Also, amend by adding at the end of line one hundred and sixty-three, page seven, the following: Providing that no part of the above amount, viz: \$3,000, shall be expended by the trustees of the said State Normal School for the purpose of improving, grading or beautifying the grounds of said institution, or the building thereon, until the city of Terre Haute has placed in the hands of the trustees, or at their disposal, an equal amount, to be expended for said purpose.

Also, amend by adding the following: After the word "purpose," in last amendment, "which" sum hereby appropriated shall include and be in lieu of all appropriations provided by the act of March 5, 1873, except that provided by section 4 of said act.

Also, amend by adding to line one hundred and sixty-five, page seven, the following words: "And for the school of agriculture, including agricultural experiments, \$2,000."

Also, amend line one hundred and seventy-three, page seven, as follows: Three janitors shall be allowed for the State building, one for the rooms on the second floor, and two for the rooms on the first floor, and each of said janitors shall receive \$500 for the year for which this appropriation is made."



Also, amend by inserting in line one hundred and eighty-three and a half as follows: The expenses of office of superintendent of public instruction, \$500.

Also, amend by striking out the proviso in lines one hundred and eighty-five, one hundred and eighty-six and one hundred and eighty-seven, on page eight, and insert in lieu thereof: *Provided*, That all sums paid out for office expenses for any of the officers of State, or for traveling or contingent expenses for any of said officers of State, shall be paid only on bills of account for expenses actually incurred and approved by the Governor, who shall report in detail all such expenses, and the items thereof to the next General Assembly.

Also, amend by striking out all of line seven, page two.

The report of the committee of the whole house was concurred in.

Mr. Overmyer moved that the constitutional rules be suspended, the bill be considered engrossed, read a third time and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Blockley, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Connaway, Dailey, Donnell, Drover, Edwins, English, Fancher, Flodder, Galbraith, Garrouette, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kelly, Kester, Lehman, Major, March, Miers, Mitchell, Overmyer, Perry, Robinson, Rodman, Scholl, Shanks, Shields, Shutt, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Vanpelt, Vawter, Willard, Wimmer, Works and Mr. Speaker—59.

Those who voted in the negative were: Messrs. Baker, Briggs, Brown of Steuben, Confer, Connor, Cunningham, Dalton, Davidson, Davis, Drake, Faulkner, Golden, Hubbard, Lindley, Messick, Nave, Owen, Reed, Reichelderfer, Robeson, Rooker, Schweitzer, Skinner, Stucker, Thompson and Tulley—27.

The motion failed for want of a constitutional majority.

Mr. Overmyer moved that House bill No. 592 be ordered engrossed.

Which was adopted.

Mr. Hess was granted leave of absence until Monday next.

Mr. Osborn of Vermillion, was granted leave of absence until Monday next.

On motion of Mr. Herod, House bill No. 295 was made the special order for Friday at 2 o'clock P. M.

Which was agreed to.

Mr. Humphreys moved to reconsider the vote, ordering House bill No. 592 engrossed and to lay it on the table.

Which was agreed to.

Mr. Miers presented the claim of Samuel B. Gookins.

Which was referred to the committee on the judiciary.

On motion of Mr. Briggs the House adjourned.

(Approved)

HENRY S. CAUTHORN.  
Speaker of the House of Representatives.

## FRIDAY MORNING.

FEBRUARY 21, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The journal of yesterday was read in part when, on motion of Mr. Allen, the further reading was dispensed with.

The resolution of Mr. Johnston, submitted on yesterday and laid over under the rules, was taken up and adopted.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred Senate Bill No. 277, entitled "An act concerning interest on money and usury," have had the same under consideration and directed me to report the same back, and recommend that it be amended as follows:

Strike out all after the enacting clause and insert the following, and when so amended they recommend that it do pass :

That interest upon the loan or forbearance of money, goods, or things in action, shall be at the rate of six dollars a year upon one hundred dollars, and at the same rate for a greater or less sum, and for a longer or shorter period. If a greater rate of interest than herein provided shall directly or indirectly be contracted for, taken, or reserved, the contract as to the payment of the principal, shall not thereby be rendered void, but as to the payment of interest, shall be usurious, illegal and void.

Sec. 2. A judgment for money shall draw interest from date of signing. The verdict of a jury, or finding of a court for money, unless set aside, shall draw interest, which shall be included in the judgment when rendered.

Sec. 3. On money due on any instrument in writing, on an account stated from the day of settlement, on an account closed from the day an itemized bill shall have been rendered and payment demanded, on money had and received to the use of another, and retained without his consent, interest shall be allowed.

Sec. 4. If in any action or proceeding upon a contract, whether prosecuted by a party or privy to the contract, or by any assignee or holder thereof, it is made to appear, that a greater rate of interest than is provided in this act, has either directly or indirectly, been contracted for, taken or reserved, either in money, property or service, or by way of attorneys' fees, costs of collection, damages, commission or discount, or in any other manner, only the principal, without interest and without damages on protest for non-payment, or non-acceptance, shall be allowed or recovered.

The provision of this act shall apply to promissory notes, payable to order or bearer in a bank of this State, whether held by the payee, or by an assignee, for value before due without notice of any illegality in relation to interest, to the same extent and in the same manner as they apply to other notes and contracts.

If any interest has been paid on the contract, it shall be applied as payment on the principal at the time received. If the interest paid exceed the principal, it may be recovered by the payer, either in the same action in which he is sued, or in an action brought against the person contracting for, taking or reserving the illegal interest. The payer of illegal interest, may also bring an action and recover the same of the person by whom it was contracted for, received or reserved.



SEC. 5. If there be an agreement to pay a sum of money at a time certain, or on demand, with interest, or having interest included, with a stipulation that, on failure to do so, an additional sum shall be paid as damages or penalty, or for attorney's fees or costs of collection, such stipulation shall be deemed usurious, illegal and void.

SEC. 6. If a debtor executed to his creditor an agreement to pay at a time certain a sum of money greater than the actual indebtedness, by an amount exceeding the legal interest on the actual indebtedness, for the time given for payment in the agreement, with a stipulation, that the payment of the actual indebtedness, in a shorter period, shall satisfy the agreement, such stipulation shall be deemed usurious, illegal and void.

SEC. 7. If a note be executed or bill be drawn in this State, payable in another State, territory or country, bearing a rate of interest legal in the place where payable, but illegal in this State, with the intention to reserve and receive a greater rate of interest than is provided in this act, and to avoid the same, such contract, as to all interest, and damages in protest for non-payment or non-acceptance, shall be usurious, illegal and void.

Sec. 8. If a note executed, or bill drawn for the purpose of borrowing or raising money, be purchased or discounted for a sum less than face value, adding or deducting actual exchange, as it may be in favor of, or against the place of payment, such transaction shall be usurious and illegal, and in any action or proceeding upon such bill or note, only the sum paid therefor shall be allowed or recovered, without interest or damages.

Sec. 9. All actions and proceedings upon any agreement, bill, note, or other instrument in writing, described in the last four sections, shall be governed by the provisions of the fourth section of this act in all things, except as to the amount of allowance and recovery in actions and proceedings upon bills and notes described in the eighth section, which shall be as therein provided.

Sec. 10. All loans of the public funds in this state, made after the taking effect of this act, shall be at a rate of interest not exceeding that herein provided for.

Sec. 11. The act entitled "An act regulating interest on judgments," approved February 5, 1873, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, but contracts existing at the taking effect of this act, shall not be affected thereby.

Mr. March offered the following amendment :

Amend by inserting before the word "interest," in the first line of page five, the word "illegal." Before the word "interest," in line five, insert the word "illegal." Strike out "it," in the fifth line, and insert in its place the words "the excess." Add to the last section the words "as to the rate of interest before judgment rendered."

Which was adopted.

Mr. Watson offered the following amendment :

Amend the first section by striking out the word "if," at the end of the fourth line, and by striking out all of lines five, six, seven and eight and insert in lieu thereof the following: "And no greater rate of interest shall be taken, directly or indirectly, unless the agreement to pay a higher rate of interest be made in and signed by the party to be charged: but such rate of interest shall in no case exceed the rate of eight dollars a year on one hundred dollars, but it may be taken yearly, or for a shorter period, in advance."

Mr. Miers moved that the amendment of Mr. Watson do lie on the table.

Which was agreed to.

Mr. Miers moved that the bill be considered engrossed.

Mr. Allen moved the previous question.

Which was seconded by the House.

The bill was considered engrossed.

Mr. Miers moved that the bill be read the third time and put upon its passage.

Which was agreed to.

Engrossed Senate Bill No. 277 was read the third time and put upon its passage.

The question being, shall the bill pass?

Mr. Allen demanded the previous question.

On the motion Messrs. Reed and Watson demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake,

Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Hosmer, Humphreys, Johnston, Lehman, Major, March, Miers, Mitchell, Overmyer, Owen, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Wimmer, Works and Mr. Speaker—56.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Cunningham, Donnell, English, Fancher, Harland, Herod, Hopkins, Hubbard, Kelly, Kester, Kirkpatrick, Lindley, Messick, Nave, Reed, Robeson, Robinson, Rodman, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Thayer, Thornburg, Vawter and Watson—36.

The previous question was seconded.

The question recurring, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Overmyer, Owen, Perry, Reichelderfer, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—75.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Steuben, Connaway, Donnell, Fancher, Harland, Herod, Hopkins, Kirkpatrick, Nave, Reed, Robeson, Robinson, Skinner, Sleeth, Vawter and Watson—18.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.



Mr. Thompson moved that the order of business be suspended so that the committee on benevolent institutions may make a report.

Which was agreed to.

Mr. Thompson, from the committee on benevolent institutions, submitted the following report:

MR. SPEAKER:

The committee on benevolent institutions, to whom was referred House bill No. 112, introduced by Mr. Osborn, of Elkhart, entitled "An act to provide for the election of trustees for the Asylum for the Insane, Deaf and Dumb, and Blind, and for the more efficient and uniform government thereof," have had the same under consideration and have directed me to report the same back to the House with the following amendments:

Strike out all after the enacting clause and insert the following:

That the Governor, with the consent of the Senate, shall appoint two trustees each for the Asylum for the Blind, the Institution for the Education of the Deaf and Dumb, and the Hospital for the Insane, and with the like consent of the Senate he shall appoint a president of the board of trustees of the said institutions.

The president and the two trustees of each of said institutions shall constitute the board of trustees for the government thereof; such appointments shall be made within five days after the taking effect of this act, and the terms of said trustees shall expire as follows: One for each of said institutions to be designated in the appointment shall expire on the first of February, 1881, and the other on the first of February, 1883, and the term of the said president of the boards so appointed shall expire on the first day of February, 1883. After such first appointment the Governor shall, on the first day of January, 1881, and biennially thereafter, appoint one trustee for each of said institutions, and on the first day of January, 1883, and every four years thereafter, he shall appoint a president of the said boards of trustees, whose terms shall begin on the first of February next succeeding, and the terms of the said officers and their successors shall be four years. He shall report such appointments to the Senate for its concurrence; and if the Senate shall refuse to confirm such appointment, he shall appoint other suitable persons, and in like manner report to the Senate: *Provided*, If the Senate fail to confirm the first appointment above provided for, then the present trustees and commissioners of said institutions and the president of said board shall hold their offices and positions by virtue of

this act only, and shall be subject to all its provisions; and they, or any of them, may be removed at the pleasure of the Governor, and the appointees to fill such vacancy shall constitute the new board as herein provided.

Sec. 2. The Governor shall have power to remove any of said trustees, or the said president, upon failure to faithfully discharge their duties, or for inefficiency, or any other cause that to him may seem just, and appoint other competent persons to fill the vacancies thereby created for the unexpired term, and in such cases he shall report the said removal and appointment, with a statement of the cause thereof, to the Senate, within five days after the first day of the next succeeding session thereof, or if the Senate be in session at the time of such removal, then within five days thereafter. If a vacancy shall occur by death, resignation or otherwise, the Governor shall appoint a competent person to fill the vacancy for the unexpired term, and shall report such appointment to the Senate, if in session, and if not, then to its next succeeding session. But if such appointment be not confirmed, the Governor shall appoint some other competent person, and immediately report such appointment to the Senate for confirmation.

Sec. 3. The said trustees and president shall each, before entering upon the duties of their office, give a bond, payable to the State of Indiana, in such sums as the Governor may require, and shall take an oath to faithfully discharge their several duties as such officers. The said officers first appointed shall give such bond and take such oath within ten days after their appointment, and shall thereupon enter upon the discharge of the duties of their office. The boards shall organize by the selection of one member as treasurer, and one as secretary, and the president of the boards shall be the president of each board respectively. As soon as the boards, or either of them, are so organized, the boards of trustees and board of commissioners, now severally having charge of the said institutions shall deliver and surrender to the proper boards, created by this act, all books, papers, moneys and property of whatever kind or nature belonging to or connected with said institutions, or belonging to the State and under their charge or control; and they shall, in like manner, surrender and deliver up to said new boards the care, custody and management of the said institutions, and all the affairs thereof, and the superintendent or managers of the said institutions, and the subordinates, teachers, physicians and employes thereof

shall thereafter hold their positions and perform their duties under and by virtue of this act, and under the control and direction of the new boards created by this act.

Sec. 4. Such superintendents or managers shall, within thirty days after the taking effect of this act, each make out and deliver to the proper board of trustees of each of said institutions a complete itemized inventory and statement, subscribed and sworn to by him, setting forth in detail all the property, both real and personal, belonging to said institutions or belonging to the State, and connected therewith, or in use in and about the same. Such statement shall give the quality and condition of such property and the value thereof, where it is, and for what purpose or in what way it is used; and shall also give a detailed and itemized account of all products raised and consumed, and of each parcel of property, including hides, tallow, flowers, farm products, goods or merchandise, and all other articles sold or otherwise disposed of during the year last passed by such superintendent or manager, or by the trustees or subordinates of said institutions, to whom the same was sold, and for what price, who received the money, and for what purpose it was used. Said statement shall contain a detailed and itemized statement of all the expenditures during the past year for repairs upon the buildings or grounds, and for furniture or other articles purchased for the use of said institutions, or in and about the same, and a detailed and itemized statement of all the articles of wearing apparel, goods, merchandise or property received during the past year, with or for any of the inmates; what became of such property; whether any, and if so, what amounts are on hand yet; what amount of like goods or wearing apparel has been, during said time, purchased for each of the inmates, and what amounts of moneys have been received therefor, and from what counties so received, who received such moneys, and for what purpose they have been used. It shall also give a general account of the officers of the institution, the number of inmates received and from what counties they came, the number discharged and the cause therefor, and the condition of the inmates and the wants and requirements of the institution. A like report, inventory and statement shall be annually made on the 31st day of October in each year to each of the said boards of trustees, who may prescribe additional and other matter to be included therein. Such reports, after due examination and action thereon by the boards, shall be delivered to the Gover-



nor, who shall transmit them to the General Assembly at each regular session thereof.

Sec. 5. The president and trustees of each of said institutions shall be and constitute a board for the management of the business and affairs thereof, with the power to make all proper rules, regulations and by-laws for its government. They shall have a regular meeting at or about the close of each month, and shall meet at least one other time during each month for the purpose of informal consultation or the transaction of current and incidental business. They shall keep a record of their proceedings and acts, and of all monies received or paid out, and all orders drawn or paid. No money shall be paid out or expended except upon an itemized bill first presented and allowed by the board. Such bill shall be signed and sworn to by the claimant, and shall be made by an order signed by the president and drawn upon by the treasurer of the institution, payable ten days from the drawing thereof. Such itemized bills shall be carefully preserved and numbered to correspond with the order drawn for the payment thereof, and no bill shall be allowed for more than the lowest cash value of the articles purchased or service or materials paid for; and all contracts made for articles, materials or services shall be subject to the allowance by said board.

Sec. 6. The treasurer shall, from time to time, before such orders become due, present to the Auditor of State a statement of all orders drawn and then unpaid, giving the date and number and amount of each order and the person to whom payable, which shall be signed and sworn to by the treasurer, and certified to by the president of the board, and the Auditor of State shall thereupon draw an order for the amount in favor of such treasurer upon the Treasurer of State, who shall pay the amount out of any money in his hands subject to such payment. The Auditor of State shall open and keep an account with the treasurer of each of said institutions, and shall charge him with the orders so drawn upon the State Treasurer. The treasurers of said institutions shall, at the close of each month, return to the Auditor of State an itemized statement of the orders paid by him and the amounts thereof, signed and sworn to as being correct, and with such statement shall return to the Auditor the orders so paid. The Auditor of State shall thereupon credit the said treasurer with the amounts so paid out by him and shall carefully preserve all such orders and statements.

Sec. 7. The board of each of said institutions shall appoint a superintendent thereof, and the superintendent, with the approval of the board, may appoint such subordinate officers, secretaries, assistants, physicians, teachers, attendants and employes as may be necessary. But the board shall prescribe the number to be employed and provide rules for their government and control and fix the amount of compensation for their services, including the superintendent, who shall not be paid more than \$2,000 per annum. Such superintendent shall be skilled and qualified, by education and practice, to take charge of the institution for which he is appointed, and shall each give a bond for the faithful performance of his duties and for the payment of all damages arising from their non-performance. Such bond shall be payable to the State of Indiana in such sum as required by the board and to their approval, and suit may be brought thereon by the State on the relation of any person injured. The superintendent shall take personal charge and supervision of their respective institutions and of the inmates therein and of the subordinate officers, teachers, attendants and employes connected therewith, subject to the rules and regulations prescribed and to the orders and general control of the board of trustees. He may, for good cause, discharge such subordinates and employes and appoint other competent persons in their places, which appointment shall continue only until the next meeting of the board, at which time the superintendent shall report all such changes and the causes therefor, and the board may confirm such appointment; and if not confirmed he shall make other suitable appointment, subject to the confirmation of said board.

Sec. 8. The superintendent shall, at or about the close of each month, make out for the information of the board, an itemized statement and estimate of the amount and kind of purchases required for the next succeeding month; and it shall be the duty of the board of trustees to solicit competition among dealers for the State of such articles and goods as may be required, by publication or otherwise; and to this end they shall keep such statement and estimate open to public inspection, and shall give personal attention to the bids for and the purchase of such articles and goods, and use their best endeavors to obtain them at the lowest possible prices. The superintendent shall also make out and file with the board, at each regular meeting, an itemized statement of all moneys paid out or expenses incurred for each of the inmates since his last report,

showing the counties to which the inmates belong and the total amount chargeable to each county. Such statement shall be filed with the Treasurer of State, who shall charge the same to the proper counties and collect the amount due from each county at each settlement with the treasurer thereof, and such moneys shall be covered into the general fund of the state treasury. The superintendent shall also, at each regular meeting, make out and file with the board a complete and itemized statement of all money received since his last report from the sale of hides, tallow, farm or garden products or flowers, and from any and all other sources whatever, stating the date and transaction, and from where the money was received. Such money shall be by him at the time paid over to the treasurer of the institution, who shall give his receipt therefor, and shall immediately pay the same over to the Treasurer of State, who shall give his receipt therefor and cover and transfer the amount into the general fund of the treasury. And all moneys payable by law to or for the benefit of either of said institutions, except the appropriations made therefor, shall in all cases be paid over to the state treasurer, who shall cover and transfer the same into the general fund of the treasury.

Sec. 9. The board of trustees shall have power to make allowances for the payment of any money required or authorized by law to be paid for the improvement, preservation and care of their several institutions and the grounds and property connected therewith, and the expenses thereof, the payment of employes and other expenses. But such allowances shall only be made upon an itemized statement of the superintendent, showing the cause and necessity therefor, and all payments shall be made only by orders drawn on the treasurer of such institution in the manner herein prescribed. They shall severally make a report to the Governor at the close of each fiscal year, giving a full statement of the receipts and disbursements and operations during the year preceding, the number of inmates received, discharged, and then in the institution, the cost per capita for the year, the estimated cost for the next succeeding year, and all things necessary to show the condition and management of the same, together with any recommendations or suggestions they may deem proper for the better and more efficient government or welfare thereof, which reports the Governor shall transmit to the General Assembly with his message at each regular session thereof. In such reports they shall show what amount has been expended for repairs upon the buildings and for permanent improve-



ments in a separate account from the ordinary expenses of the institution. They shall not appoint nor allow to be appointed any relation of their own or either of them, either by blood or marriage, and they shall not allow any of the relations or members of the family of any superintendent or other subordinate or employe to be kept, maintained or supported in the institution without charging to such person the full value of such maintenance and support, unless such relative or member of the family be regularly employed and paid as one of the subordinates or employes thereof.

Sec. 10. The Treasurer of State shall, biennially, cover and transfer into the general fund of the treasury all moneys appropriated and unexpended at the close of the fiscal year immediately preceding each regular session of the General Assembly.

Sec. 11. The president of the board shall receive as compensation for his services a salary, payable quarterly, at the rate of nine hundred dollars per annum; and the trustees of the Insane Asylum shall, in like manner, be paid salaries at the rate of six hundred dollars to each; and the trustees of the Institution for the Education of the Deaf and Dumb shall, in like manner, be paid salaries at the rate of four hundred dollars to each; and the trustees of the Asylum for the Blind shall, in like manner, be paid salaries at the rate of three hundred dollars to each; said salaries to be paid on the warrant of the Auditor, out of any money in the treasury subject to such payment.

Sec. 12. It shall be unlawful for any person connected with said institutions as president, trustee, superintendent, subordinate or employes, to be pecuniarily interested in any contract for or purchase of supplies or material, or to make or receive any profits, percentages, or deductions, or any reward or benefit whatever out of the management or operation or business of the said institutions, other than the fees and compensation for his services established and allowed by law.

Sec. 13. Any person violating any of the provisions of this act shall, upon conviction, be punished by imprisonment in the state prison for a period not less than six months and not more than five years, and shall be fined in any sum not more than five thousand dollars.

Sec. 14. All laws and parts of laws inconsistent herewith are hereby repealed.

Sec. 15. Whereas the present laws for the government of the said institutions are defective and uncertain, and great loss to the public may accrue by reason thereof, it is therefore hereby declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

The Speaker reported that he had signed concurrent resolutions No. 20 and No. 9.

Mr. Overmyer moved that the report and bill do lay on the table for the present, and one hundred and fifty copies ordered to be printed.

On the motion, Messrs. Overmyer and Briggs demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Donnell, Fancher, Golden, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Works—36.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Nave, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer and Mr. Speaker—54.

The motion was not agreed to.

Mr. Willard moved that the report be concurred in.

Messrs. Overmyer and Reed demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette,

Ginz, Handy, Hart, Hosmer, Humphreys, Kester, Lehman, Major, Mitchell, Nave, Perry, Reichelderfer, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—57.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Donnell, Golden, Hopkins, Kelly, Kirkpatrick, Messick, Overmyer, Owen, Robeson, Robinson, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg and Vawter—27.

The motion to concur in the report was agreed to.

Mr. Overmyer offered the following amendment:

Amend section 1 of the bill by adding the following: *Provided*, That the provisions of this act shall not apply to the present incumbents in the offices herein named, but said incumbents shall serve out their respective terms as now provided by law.

Mr. Lehman moved to lay the amendment on the table:

On the motion of Mr. Lehman, Messrs. Overmyer and Golden demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Mitchell, Nave, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer and Mr. Speaker—52.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Donnell, Fancher, Golden, Harland, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Thayer, Thornburg, Vawter, Watson and Works—35.

The motion to lay on the table was agreed to.



Mr. Willard moved that the bill be considered engrossed and read the third time, and put upon its passage.

On the motion, Messrs. Overmyer and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Perry, Reichelderfer, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer and Mr. Speaker—54.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Donnell, Fancher, Golden, Harland, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thornburg, Vawter, Watson and Works—37.

The motion was agreed to.

House Bill No. 112 was read the third time and put upon its passage.

The question being shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shanks, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—56.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Donnell, Fancher, Golden, Harland, Herod, Hopkins, Kelly, Kirkpatrick, Lindley, Messick, Overmyer, Owen, Reed, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—34.

The bill passed.

The question being shall the title of the bill as read stand as the title of the act.

Mr. Thompson offered the following amendment to the title of the bill:

Amend the title of House bill No. 112 by striking out all of said title after the word "the," in the second line thereof, and inserting "appointment and confirmation of the trustees of the Indiana Asylum for the Blind, the Institution for the Education of the Deaf and Dumb, and the State Hospital for the Insane, and for the more efficient management and uniform government of the same.

Which amendment was adopted, and the title as amended was agreed to.

Engrossed House Bill No. 38 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Wimmer, Works and Mr. Speaker—78.

Those who voted in the negative were: Messrs. Arnold of Wabash, Connaway, Cunningham, Golden and Harland—5.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act.

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Humphreys moved that House bill No. 592 be considered engrossed, read the third time and put upon its passage.

Which was agreed to.

Engrossed House Bill No. 592 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Overmyer, Owen, Perry, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shields, Shutt, Sleeth, Stevens, Taylor of Dayiess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

Those who voted in the negative were: Messrs. Arnold of Wabash, Baker, Barker, Brown of Steuben, Connaway, Fancher, Golden, Huthsteiner, Messick, Robeson, Shauck, Skinner, Snoddy, Stucker and Thayer—15.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

It was so ordered, and the Principal Clerk was directed to inform the Senate thereof.



Engrossed House Bill No. 59 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Hopkins, Hosmer, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Owen, Perry, Reichelderfer, Roberson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thompson, Thornburg, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered, and the Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 56 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Major, March, Messick, Miers, Mitchell, Nave, Owen, Perry, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor

of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Vanpelt, Van Valzah, Vawter, Works and Mr. Speaker—81.

Mr. Lindley voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

It was so ordered, and the Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 24 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Confer, Connaway, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Golden, Handy, Harland, Hart, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Owen, Reed, Reichelderfer, Robinson, Rodman, Rooker, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—72.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

It was so ordered and the Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 187 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Golden, Handy, Harland, Hart, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Owen, Perry, Reichelderfer, Robinson, Rodman, Scholl, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—74.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 131 was read the third time.

Pending the consideration of engrossed House bill No. 131, the House, on motion of Mr. Watson, adjourned until 2 o'clock P. M.

---

## AFTERNOON SESSION.

FEBRUARY 21, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Willard moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Allen, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Steuben, Bryant, Caldwell, Campbell, Confer, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Ginz, Golden, Handy, Harland,



Hart, Herod, Hopkins, Humphreys, Huthsteiner, Johnston, Kelly, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Shanks, Shauck, Shutt, Skinner, Stevens, Stucker, Taylor of Lagrange, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—68.

Mr. Reichelderfer and Mr. Osborn of Elkhart were granted leave of absence on account of sickness.

On motion of Mr. Willard, the further proceedings under the call were dispensed with.

The passage of House bill No. 131 pending at adjournment, was resumed.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Dalton, Davidson, Davis, Donnell, Drover, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Kelly, Lindley, Major, March, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Reed, Robeson, Rodman, Schweitzer, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Vanpelt, Vawter, Willard, Wimmer, Works and Mr. Speaker—56.

Those who voted in the negative were: Messrs. Allen, Bearss, Cunningham, Dailey, Drake, Edwins, English, Fancher, Faulkner, Herod, Hopkins, Hosmer, Humphreys, Johnston, Kester, Kirkpatrick, Lehman, Messick, Robinson, Rooker, Saint, Shields, Shutt, Tulley, VanValzah and Watson—25.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion of Mr. Willard, the special order for 2 o'clock to-day was taken up.

Messrs. Herod, Robeson and Hopkins, from the select committee on the affairs of the city of Indianapolis, submitted the following minority report:

MR. SPEAKER:

The minority of your select committee, to which was referred House bill No. 295, have, in connection with the majority of such committee, had the same under consideration and desire to report that they can not and do not concur in the report of the majority of said committee, for the reasons set forth in the report of the minority of the committee on the affairs of the city of Indianapolis heretofore submitted on said bill, and they hereby, by reference thereto, make said report a part of this. This minority would recommend that said bill be amended as follows: Strike out the words "thirty thousand," on line four, section 1, and in lieu thereof insert "twenty thousand." Insert after the word "Governor," in line nine, section 9, the following: "One each of said commissioners to be selected from the two political parties casting the largest vote within such city at the last general election next preceding such appointment."

Mr. Willard moved to lay the minority report on the table.

On that motion Messrs. Overmyer and Willard demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Lehman, Major, Miers, Mitchell, Nave, Rooker, Scholl, Schweitzer, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Vanpelt, Van Valzah and Willard—45.

Those voting in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Cunningham, Donnell, Fancher, Golden, Harland, Herod, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer, Works and Mr. Speaker—45.

The motion was not agreed to.

Mr. Herod moved that the minority report be adopted.

Mr. Tulley asked for a division of the question.

Which was granted.

The question being on striking out "thirty thousand" and inserting "twenty thousand."

On the adoption of the motion Messrs. Herod and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Cunningham, Davis, Donnell, Fancher, Golden, Harland, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Shauck, Shutt, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Wimmer—39.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Overmyer, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Vanpelt, VanValzah, Willard, Works and Mr. Speaker—55.

That part of the minority report which recommended that "thirty thousand" be stricken out and "twenty thousand" inserted in lieu thereof was not concurred in.

The second question being on that portion of the minority report that recommended the changing the apportionment to one member from each political party.

On motion, Messrs. Herod and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Cunningham, Donnell, Fancher,



Golden, Harland, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Tulley, Vawter and Watson—40.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—53.

That portion of the minority report was not concurred in.

Mr. English moved that the majority report of the committee be concurred in.

The ayes and noes were demanded.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Lehman, Miers, Mitchell, Nave, Perry, Reichelderfer, Rooker, Saint, Schweitzer, Shields, Sleeth, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard and Works—51.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Donnell, Faulkner, Golden, Harland, Herod, Hopkins, Hubbard, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Scholl, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer and Mr. Speaker—43.

The report was concurred in.

Mr. English moved that the bill be considered engrossed, and read the third time and put upon its passage.

Mr. Herod moved to recommit the bill back to the committee.  
Which was not agreed to.

The question recurring on Mr. English's motion.  
The same was agreed to.

Engrossed House Bill No. 295 was read the third time and put upon its passage.

The question being, shall the bill pass?  
The roll was called?

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Miers, Mitchell, Nave, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard and Works—53.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Donnell, Fancher, Golden, Harland, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, Messick, Overmyer, Robeson,, Robinson, Rodman Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer and Mr. Speaker—39.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered, and the Principal Clerk was directed to inform the Senate thereof.

Mr. Skinner was granted leave of absence until Tuesday.

Mr. Willard moved that the rules be suspended, so that the committee on fees and salaries may make a report.

Which was agreed to.

Mr. Willard, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee on fees and salaries, to whom was referred House bill No. 344, by Mr. Willard, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill be amended as follows:

Strike out all after section 1 and down to section 13, changing the number of said last section to, and also the numbers of the remaining sections, from 13 and 14 to 32 and 33; and in lieu of said part stricken out insert the following:

Section 2. The salary of the Governor shall be five thousand dollars per year.

The salary of the Governor's private secretary shall be fifteen hundred dollars per year.

#### SECRETARY OF STATE.

Sec. 3. There shall be allowed to the Secretary of State an annual salary of two thousand dollars, and to the Deputy Secretary of State an annual salary of one thousand dollars, and to the clerk of the Secretary of State an annual salary of eight hundred dollars, all payable in quarterly installments out of any funds not otherwise appropriated.

Sec. 4. In addition to the compensation provided for in the preceding section, the Secretary of State shall be entitled to the following fees, and no more, to be paid by the person for whom the service is rendered, to-wit:

For each certificate and seal, fifty cents.

For each commission to notary public, one dollar.

For each commission to commissioner of deeds and filing qualification, one dollar.

For each attestation and seal, except as hereinafter excepted, fifty cents.

For filing and recording each article, charter, or certificate of incorporation, not exceeding two hundred words, one dollar.

For recording and copying of any and all records, papers, and documents not otherwise provided for, per hundred words, four figures counting as one word, ten cents.

All fees above provided for to be paid by the party for whom such services are rendered: *Provided, however*, that no fees shall be charged against the United States, or this or other State, or any county of this State, nor against any officer of either of them, for any attestation, certificate or paper required by them for official use.



## AUDITOR OF STATE.

Sec. 5. The salary of the Auditor of State shall be fifteen hundred dollars per annum. The salary of the deputy Auditor of State shall be twelve hundred dollars per annum. The salary of the insurance clerk shall be twelve hundred dollars per annum, and the salary of the Auditor of State's clerk shall be eight hundred dollars per annum, all of which salaries shall be paid out of the state treasury, in quarterly installments, out of any funds not otherwise appropriated.

## ADJUTANT GENERAL.

Sec. 6. The salary of the Adjutant General shall be twelve hundred and fifty dollars per annum, payable out of the state treasury in quarterly installments, out of any funds not otherwise appropriated.

## QUARTERMASTER GENERAL.

Sec. 7. The salary of the Quartermaster General shall be three hundred dollars per annum, to be paid out of any funds in the state treasury not otherwise appropriated, payable in quarterly installments.

## CLERK OF PRINTING BUREAU.

Sec. 8. The salary of the Clerk of the Printing Bureau shall be nine hundred dollars per annum, payable in quarterly installments, out of the state treasury, from any funds not otherwise appropriated.

## TREASURER OF STATE.

Sec. 9. The salary of the Treasurer of State shall be two thousand dollars per annum, and the salary of the Deputy Treasurer of State shall be fifteen hundred dollars per annum, and there shall be allowed to the night watchman at the treasurer's office the sum of six hundred dollars per annum, all to be paid in quarterly installments out of any funds in the state treasury not otherwise appropriated.

## ATTORNEY GENERAL.

Sec. 10. The salary of the Attorney General shall be two thousand and five hundred dollars per annum, payable quarterly out of any funds in the state treasury not otherwise appropriated.

## SUPERINTENDENT OF PUBLIC INSTRUCTION.

Sec. 11. The salary of the Superintendent of Public Instruction shall be two thousand dollars per annum, and there shall be allowed to the Clerk of the Superintendent of Public Instruction the sum of fifteen hundred dollars per annum, payable out of any funds in the state treasury, in quarterly installments, not otherwise appropriated.

## STATE LIBRARIAN.

Sec. 12. The salary of the State Librarian shall be twelve hundred dollars per annum, and there shall be allowed the Assistant State Librarian the sum of seven hundred and fifty dollars per annum, all to be in quarterly installments, out of any funds in the state treasury not otherwise appropriated.

## CLERK OF THE SUPREME COURT.

Sec. 13. The fees of the Clerk of the Supreme Court shall be as follows, and no more:

Every writ or process under seal, twenty-five cents.

Copy of record or other paper per hundred words (four figures counting as one word), or if the whole number of words in such copy be less than one hundred, ten cents.

Entering satisfaction of record, ten cents.

Taking, approving and recording official bonds, including all affidavits connected therewith, fifty cents.

Entering action on docket, ten cents.

Administering an oath, five cents.

Making complete record after judgment, per hundred words (counting four figures as one word), ten cents.

Certificate and seal, forty cents.

Making out advertisement for non-resident defendant, including certificate and seal, fifty cents.

For every one hundred words (four figures counting as one word), contained in any writing, required by law to be done by him and for which there is no allowance, ten cents.

Endorsing on *supersedeas* direction to the clerk of the inferior court, twenty-five cents.

Docketing judgment, ten cents.

Issuing fee bill for fees not his own, twenty-five cents.

For issuing fee bill for fees his own, ten cents.

## CLERKS OF THE CIRCUIT, SUPERIOR AND CRIMINAL COURTS.

Sec. 14. That the clerks of the circuit, superior and criminal courts of this State shall tax and charge upon the proper books to be provided and kept in their offices, for the services by them performed in said county, the fees and amounts following, to-wit: and no more and none other.

*In Civil Causes.*

For every writ, summons or other process, including certificates and seals, forty cents.

Filing each paper, except in estates and guardianships, five cents.

Copy of any record or paper when required, per one hundred words, (four figures counting as one word) ten cents.

Entering every order and reading the same, per one hundred words, ten cents.

No fee shall be charged for entering any motion.

Entering every rule, ten cents.

Entering dismissal of a cause, ten cents.

Entering satisfaction of a record in the clerk's office, ten cents.

Entering satisfaction of the record of a mortgage in the recorder's office where foreclosure is had, ten cents.

Receiving and entering a verdict, five cents.

Entering judgment, ten cents.

For entering each civil cause on docket, which shall be taken to include all dockets upon which such cause shall be required to be entered at any one term of court, and no other charge shall be made at that term for any docketing of such cause, forty cents.

Impanneling and swearing each jury, ten cents.

Taxing fees on fee books, per one hundred words, ten cents.

Administering each oath in court, to include all persons sworn at one time, five cents.

Making complete record per one hundred words (four figures counting as one word) ten cents.

Entering rule of court in appointing referees, ten cents.

Entering every continuance of a cause, ten cents.

Every final issue joined, ten cents.

Making out notice for non-resident defendant or defendants, forty cents.



For marriage license, including all affidavits, seals and certificates, recording, filing papers, copy, registering and indexing, and this shall be taken to include everything whatever necessary or in any way appertaining to the issuing of a marriage license, one dollar and fifty cents.

Recording certificate of an estray, forty cents.

Taking bail for stay of execution, twenty-five cents.

Issuing each execution, including certificate, seal, returning the same and recording the return, eighty cents.

Issuing fee bill, including seal and certificate, ten cents.

Filing and recording transcript as a lien on real estate, forty cents.

For every one hundred words of record transcribed in a writ of *scire facias* or *venditioni exponas*, 10 cents.

Each certificate to a person desirous of borrowing school funds as required by law, to be paid by such person, twenty-five cents.

For each affidavit, twenty cents.

For each certificate, including seal, fifty cents.

For each writ of *habeas corpus* issued in vacation, fifty cents.

#### *In Criminal Proceedings.*

For taking a recognizance, forty cents.

Every writ or other process, forty cents.

Making up record per one hundred words, (four figures counting as one word) ten cents.

Copy of record when required, per one hundred words, (four figures counting as one word) ten cents.

Every order or rule of court, ten cents.

Filing each paper, ten cents.

Entering panel and swearing each jury, twenty-five cents.

Swearing each witness or bailiff, five cents.

Receiving and entering verdict, ten cents.

Entering defendant's confession, fifteen cents.

Discharging a recognizance, twenty-five cents.

For services in criminal cases not specifically provided for, the same fees as are allowed by this act for similar services in civil causes shall be taxed.

#### *Clerk's Fees in relation to Estates and Guardianships.*

Sec. 15. No fees or charges shall be made by clerks against any estate, or the executor or administrator thereof, except as the same is in this section provided.

For letters of administration and recording the same, including all statements, oaths, affidavits, filing and approving and recording the bond, two dollars.

For filing and entering of record report of administrator or executor, for each one hundred words, (four figures counting as one word) eight cents.

Clerks shall index in proper indexes, to be provided and kept for that purpose, all records and dockets pertaining to estates, and for which service they shall receive a fee for each entry on such index of five cents.

For recording all inventories, sale bills and other proceedings required by law to be recorded, for one hundred words, (four figures counting as one word) eight cents.

For all copies of the same, (four figures counting as one word) eight cents.

For taking, attesting, and filing each affidavit required by law, fifteen cents.

For administering each oath, five cents.

For each writ required by law, fifty cents.

For proving a will and endorsing the certificate thereon, one dollar.

For proving a codicil and endorsing the certificate thereon, fifty cents.

For giving each notice required by law, fifty cents.

For each certificate and seal, fifty cents.

For entering each estate in the several dockets of the court, twenty-five cents.

For entering the continuance of an estate, to be charged only when specially ordered by the court, ten cents.

For filing each paper, three cents.

For every trial, twenty-five cents.

No fees or charges shall be made by Clerks against the estates of minors, except as below provided:

For application for letters and statement, including all affidavits and for filing and recording the same, and for taking, approving, acknowledging, filing, and recording bond, and issuing, filing, and recording letters, to include all the services connected therewith, one dollar.

For each two years such guardianship is pending in the court, the Clerk shall receive one dollar when the assets in the hands of

the guardian do not exceed one thousand dollars, and two dollars per year when such assets exceed that sum.

• Sec. 16. The Clerk shall charge no fee in any estate in which he may render services where the assets of said estate do not exceed in value five hundred dollars.

Sec. 17. No execution shall in any case be issued in any cause except on the written precipe of a party to such suit, or of his attorney of record; and no fee bill shall be issued unless the same shall be ordered by the person to whom such fees or a part thereof are due, but the Clerk shall receive nothing for any fee bill issued for his own fees.

*Clerk's Fees in Regard to Elections.*

Sec. 18. For acting as clerk of board of canvassers, and preparing canvass-sheet in each general, special, or presidential election, for each day so served, to be paid from the county treasury, two dollars.

Filing each canvass-sheet, to be paid from the county treasury, five cents.

For making out and delivering, on demand, to each officer not to be commissioned by the Governor, certificate of election and attaching seal of court, fifty cents.

For preparing statement of number of votes given to each person for each office, and who has been declared elected, attaching certificate of Clerk and seal of the court, and forwarding to Secretary of State, to be paid out of county treasury, one dollar.

For preparing certificate of votes received for each individual for joint Senator or Representative, attaching seal of court and delivering same to the sheriff, to be paid out of the county treasury, fifty cents.

For preparing certificate of votes given for Governor and Lieutenant Governor, attaching seal of court and forwarding by mail to Speaker of House of Representatives in care of the Secretary of State, to be paid out of the county treasury, fifty cents.

For preparing certificate of the number of votes given for Representative in Congress, judges of supreme court and circuit courts, clerk of the supreme court, reporter of decisions of supreme court, prosecuting attorney, superintendent of public instruction, Secretary, Auditor and Treasurer of State, and for Senator and Representatives in the General Assembly, attaching seal of court and forwarding, by



mail, to the Secretary of State, to be paid out of the county treasury, one dollar.

Filing receipt of postmaster for above certificate, to be paid out of the county treasury, five cents.

Preparing certificate of number votes cast for each county officer, attaching seal of court and forwarding to Secretary of State, to be paid out of the county treasury, one dollar.

• Sec. 19. The clerk shall keep a cash book in which he shall enter, consecutively, and as received, each sum of money by him received, with the date of such receipt, with a brief mention of the cause or matter in which it was received, which shall be kept open for inspection during his continuance in office, and shall be delivered to his successor in office. Such clerk shall also keep a register of witness and other fees, not his own, that he may receive, in which he shall enter as soon as received, the names of all persons, alphabetically arranged, for whom money has been paid into his hands, stating plainly the name, in what cause, in which fee book, and on what page. Which book or register, shall at all times, be open for inspection in some prominent and conspicuous place in his office, and he shall turn the same over to his successor in office.

#### COUNTY AUDITOR'S FEES.

Sec. 20. The auditor of each county shall be allowed the sum of twelve hundred dollars per annum for his services, and no more, except as provided in this act. When the population of the county exceeds fifteen thousand as shown by the last preceding census taken by the United States, the additional sum of one hundred dollars for each one thousand inhabitants of such county over fifteen thousand, shall be allowed to such auditor.

And one hundred dollars shall be allowed for making all reports required by law to the Auditor of State.

Such allowance shall be made in quarterly installments by the Board of County Commissioners, during their regular sessions in March, June, September and December, and paid out of any county revenue not otherwise appropriated; but payment shall not be made in advance of services rendered.

In addition to the compensation provided for in the preceding section, auditors may charge to the person for whom such services are rendered, the following fees, to-wit:

For copies of all records, deeds and other writings, not herein provided for, for each one hundred words, (four figures counting as

one word,) to be paid for by the person requiring the service, ten cents: *Provided, however,* That in no case shall the same be charged against the county or State.

For each license to be paid by licensee, one dollar.

For writing affidavit and swearing affiant thereto, when the subject matter relates to the business of, or in any way connected with the office, twenty-five cents.

For writing and swearing affiant to any affidavit, not connected with the business of the office, and by law said auditor is empowered to do, fifty cents.

For every entry and transfer of land for taxation, to be paid for by the person requesting such transfer, for each tract, part of tract or town lot, ten cents.

For each tax deed, to be paid for by the person receiving such deed, including acknowledgment and registry, one dollar.

For taking and approving bond and recording the same, to be paid by the party giving the same, one dollar.

For making certificate of tax sale, including registering and recording the same, to be paid by the person receiving the same, fifty cents.

For acknowledging and recording assignment of the same, to be paid by the person receiving the assignment, fifty cents.

For services rendered by the auditor in any matter litigated before the board of county commissioners, the same fees shall be taxed and collected by him as are allowed clerks for similar services, but no fees or charges for such services shall be charged against the county or paid out of the county treasury.

Auditors shall receive one-fourth of one per cent. for the management of the permanent school fund of the county, held in trust and loaned, and no other fee or compensation therefor.

The auditor shall receive no other salary, pay or compensation than herein provided for making out and delivering to the assessor the list of lands, lots and plats, and he shall receive no other pay than herein provided for the list of the road tax furnished to the supervisor.

#### TREASURER'S FEES.

Sec. 21. The Treasurer of each county shall be allowed the sum of seven hundred and fifty dollars annually, as such officer, and no more, except as hereinafter provided, and the same shall be allowed by the Board of County Commissioners in quarterly installments, at

their regular sessions in March, June, September and December, and paid out of any money in the county treasury not otherwise appropriated; and as a further compensation, said County Treasurers shall receive at the rate of one-half of one per centum on the first one hundred thousand dollars of taxes by them collected; and on all sums collected in excess thereof one-half of one per centum, to be paid as above provided. They shall also receive and retain out of all delinquent taxes collected three (3) per centum, where paid voluntarily and without levy, and six (6) per centum if not paid till after levy. And for making distress and sale of goods and chattels for the payment of taxes, there shall be allowed by law the same fees to the County Treasurers as are by law allowed to Constables for making levy and sale of property on execution.

Treasurers shall have for their services in going to and returning from Indianapolis, by the nearest route by railroad, to make their semi-annual settlements with the State Treasurer, to be paid from the state treasury, the sum of six cents per mile each way, reckoning and computing the number of miles by the nearest route by railroad.

#### SHERIFF'S FEES.

Sec. 22. The Sheriffs of the several counties of this State shall tax and charge the following fees, and none other and no more, to-wit:

For serving a writ in a criminal cause, and taking into custody, fifty cents.

For every mile necessarily traveled in going and returning to serve process, and in computing mileage it shall be reckoned to be by the shortest and most usually traveled route from the court house to the place to which the Sheriff is required to go and to return, and then only for the distance necessarily and actually traveled in the performance of said duty, eight cents.

For taking bail, twenty-five cents.

For taking recognizance, twenty-five cents.

Returning writ, ten cents.

For summoning a jury of twelve men, or a grand jury, with mileage as above, (and in computing the mileage for summoning said jurors it shall be reckoned by computing the distance by the most usually traveled route from the court house to the residence of the juror who resides nearest to said court house, and then from said juror's residence to the residence of the juror residing nearest to the



said first named juror, and so on until all shall be served,) and the mileage shall be for only the distance necessarily and actually traveled, and mileage shall not be allowed for more than one trip to summons said jurors, twenty-five cents for summoning each juror.

For executing a writ of possession, and mileage as above, one dollar.

For every person committed to jail, twenty-five cents.

Discharging each prisoner from jail, fifteen cents.

For holding an inquisition and drawing it up in form and returning the same, one dollar.

Serving subpœna, with mileage necessarily and actually traveled, as above, twenty-five cents.

Serving a summons, with mileage as above, forty cents.

Selling property on execution, a commission of three per centum on the first three hundred dollars, and one-half of one per centum on any excess above that amount, but when the money is paid to him without sale, one-half of the above commission only shall be allowed, and mileage as above.

Taking a valuation of lands, fifty cents.

Taking a replevin bond, forty cents.

Serving a *capias ad satisfaciendum*, forty cents.

Levying on property and advertising the same, with mileage as above, one dollar.

When no money is made no other fee or reward shall be allowed on execution, except the expense of keeping property.

Making a certificate of sale on execution or decree, one dollar.

For making a deed, one dollar.

Calling and empanneling a jury, ten cents.

Serving a writ of attachment where property is taken, with mileage as above, twenty-five cents.

For each day after the first in making inventory and appraisement of property, taken under writ of attachment, two dollars.

Returning the same, twenty-five cents.

For the actual number of miles necessarily traveled in going and returning to post up notices for the sale of any real or personal property, to be taxed and collected as the other costs in the cause are taxed, for each mile necessarily traveled, five cents.

For removing persons to the Insane Asylum, House of Refuge, or Reformatory for Women and Girls, or for taking convicts to the State Prison, there shall be allowed to the several sheriffs by the board of county commissioners, and paid out of the county treasury,

their actual and necessary expenses in safely conducting them to the point of destination, and no allowance shall be made by any board to any sheriff for taking any person or persons to the several institutions above named until he furnish the board of commissioners with an itemized statement of his expenses, to be made under oath (or affirmation) as to its correctness. And no assistant shall be allowed the sheriffs in transporting said persons to said institutions, except it be where the party (in case it is a lunatic), is unmanageable by one, and in case of convicts and lunatics there are more than two to be conveyed there at the same time, and then the pay of the assistant shall in no case exceed the sum of two dollars per day and his necessary expenses, to be certified to by said sheriff, as above provided for, and paid out of the county treasury.

Pay of court bailiffs shall be, per day, one dollar and fifty cents.

Pay of riding bailiffs shall be, per day, and paid out of the county treasury, two dollars and fifty cents.

Sheriffs shall not be entitled to any fees for services performed by their bailiffs, when such bailiffs are receiving pay by the day from the county at the time such services are rendered. The Sheriff shall appoint as many bailiffs at each term of the court as the business of the court and grand jury shall require, under the advice and consent of the judge of the court as to the number required: *Provided*, That if the sheriff does not attend upon the court in person, the court may appoint one bailiff to attend in the court room during term time. The fees taxed on any process served by bailiff or riding bailiff while under pay from the county, shall be collected and paid into the county treasury, and shall belong to the county, and it shall be the duty of each of said bailiffs at the end of every term of court to make out, subscribe and swear to a list of all the fees by him taxed and charged, and deliver the same to the Auditor of the county, whose duty it shall be to lay the same before the board of county commissioners, and the auditor shall draw no warrant for the pay of any of such bailiffs until said list has been so made out, subscribed and sworn to and delivered to the said auditor. But it shall still be the duty of the clerk to keep a record thereof in proper fee books.

For postage paid on letters received from or directed to the clerk of the supreme court, enclosing process issued by said court, the amount thereof to be returned as an item of charge.

For boarding each prisoner lawfully in his charge, per meal, thirteen cents.

All prisoners above the number of five, per meal, ten cents, to be paid out of the county treasury.

In criminal cases not provided for, the same fees as by this act are allowed in civil cases shall be allowed.

For collecting fee bills, except for his own fees, six per cent. on the amount collected.

For taking a prisoner to another county, the same compensation shall be allowed as is allowed hereinbefore for taking persons to the insane asylum, house of refuge, reformatory for women and state prison, said sum to be allowed on the same conditions as mentioned heretofore—that is by a certificate under the oath or affirmation of said sheriff as to the correctness of said account, said compensation to be paid by the county requiring said services.

For each commitment or discharge of a prisoner under the authority of any city or incorporated town, to be paid by such city or town, twenty-five cents.

In all cases where the sheriff shall perform any service for the county required of him to be performed, the board of commissioners shall allow and pay said sheriff, and he shall be paid out of the county treasury in full for such services one-half of such compensation as is by this act allowed him for similar services; *Provided, however*, that an itemized statement of such services be filed at least ten days prior to the meeting of said board of county commissioners at the session at which such claim is allowed, and any citizen may resist the allowance of said account.

For attending court in person or by deputy, for each day's actual attendance, one dollar and fifty cents.

Legal advertising growing out of any duty of the sheriff, clerk, treasurer, auditor, executors, administrators, guardians, trustees and assignees (except the printing of the delinquent tax list), shall be by such officer charged up, collected and paid over to the printer. And when such printing is done for the county, the board of county commissioners shall allow the same and pay it out of the county treasury according to the rate herein fixed. The compensation for such printer for such advertising shall be as herein set forth, to-wit:

For each advertisement, per square of two hundred and fifty ems, for the first insertion, eighty cents.

For each additional insertion, forty cents.

And in case such officer shall be unable to procure such advertisement for the price fixed herein it shall be sufficient for him to



post up written or printed notices as the law requires, and such advertisement in a newspaper shall be dispensed with.

#### RECORDER'S FEES.

Sec. 23. The fees of County Recorders shall be as follows:

For recording deeds and mortgages, and the acknowledgment thereof, and indexing the same, where there is but one acknowledgment, one dollar and twenty-five cents.

For each additional acknowledgment, 25 cents.

For certificates not under seal, taking acknowledgments to deeds and mortgages, and entering satisfaction on the record of a mortgage, twenty cents.

For each certificate and seal, forty cents.

For recording all other instruments and giving certified copies of any record per each one hundred words, (four figures counting as one word,) ten cents.

For recording town plat, the first one hundred lots or under, three dollars.

For each additional lot, one cent.

For issuing fee bills for fees not his own, sealing and certifying the same, fifty cents.

Sec. 24. It shall be the duty of every recorder, in the several counties of this State, at the expiration of his term of office, to deliver over to his successor in office, all deeds, mortgages and other instruments in his hands, left for record, whether the fees for recording the same have been paid or not; and it shall be the duty of all ex-recorders, who have withdrawn such deeds, mortgages or other instruments from the recorder's office, to deliver the same to his successor in office, or to the recorder of said county where such deeds, mortgages or other instruments shall be, at all times, kept until paid for and withdrawn by the parties entitled thereto; but such retiring recorder may have the fee bills delivered to him for any such deeds, mortgages or other instruments on which he has fees for recording the same remaining unpaid, and the acting recorder may demand his fees in advance, and before entering and recording any such deeds, mortgages or other instruments. In cases where recorders, clerks, auditors or other public officers have recorded any deed, mortgage or other instrument in a printed record or book, the same, in all such cases, are hereby legalized, and county recorders are prohibited from using such printed forms for record books in which to record

any instrument after such printed records, as may now be on hand, and in use, belonging to the county, are filled.

#### COUNTY SURVEYOR'S FEES.

Sec. 25. For every corner by him located or perpetuated, one dollar.

For every line run in dividing or running up sections or parts of sections, per mile, one dollar.

For going to and returning from a survey, for each mile necessarily traveled, ten cents.

Surveying a town lot, two dollars.

Every additional lot at one time, one dollar.

Running a division line, one mile or under, one dollar.

For every survey by him plainly bounded as the law directs, and for each plat of such survey after the delivery of such plat, where the survey shall not exceed four hundred acres, five dollars.

For every one hundred acres of land, or less, contained in one survey, above four hundred acres, one dollar.

Surveying one acre of land or less, one dollar and a half.

Services in locating roads by authority of law, per day, two dollars and a half.

And for every mile necessarily traveled, five cents.

Copy of plat of land or certificate of survey, one dollar.

Making out a complete report of survey made of any road, including field notes, one dollar.

If such survey exceeds five miles, two dollars.

In all surveys, made by authority of the board of county commissioners or township trustees, chainmen and axemen shall receive, per day, one dollar and a half.

#### COUNTY COMMISSIONERS' FEES.

Sec. 26. The County Commissioners' fees shall be as follows, to-wit:

For each day's attendance as a member of the county board or board of equalization each Commissioner shall receive four dollars.

#### PROSECUTING ATTORNEYS.

Sec. 27. The circuit and criminal circuit prosecuting attorneys' fees shall be as follows, to-wit:

For docket fee on plea of guilty in felony, seven dollars.

Docket fee on plea of misdemeanor, five dollars.

Docket fee before a justice of the peace on a plea of guilty, or on conviction, five dollars.

Docket fee in divorce cases when successfully resisted and to be taxed as cost and paid by the losing party, five dollars.

Docket fee upon forfeited recognizance, ten dollars, and when he prosecutes to final judgment against the defendant, ten per cent. on money collected.

Docket fee on plea of not guilty in felonies, ten dollars.

Docket fee on plea of not guilty in misdemeanors, seven dollars.

In all other cases where the circuit or criminal circuit prosecuting attorney is required to prosecute or defend, the fee shall be ten dollars.

The salary of prosecuting attorneys shall be, per annum, four hundred dollars.

#### CORONERS, CORONERS' WITNESSES AND JURORS.

Sec. 28. The fees of coroners shall be as follows, to-wit:

Impanneling and swearing a jury and witnesses, and making and returning inquisition for the view of each body, for first day, four dollars.

For each additional day, two dollars.

And mileage for each mile necessarily traveled, five cents.

The witnesses' fees before coroner shall be as follows, to-wit:

Attending per day, one dollar and twenty-five cents.

And mileage for each mile necessarily traveled, five cents.

The fees of the jurors at a coroner's inquest shall be as follows, to-wit:

Attending per day, one dollar and fifty cents.

And mileage for each mile necessarily traveled, five cents.

When coroners perform the duties required of sheriffs, they shall have the same compensation allowed to sheriffs, and to be paid in the same way. Such coroner shall have power to employ a clerk at a rate not exceeding two dollars per day, to take down the evidence at any inquisition, to compel the attendance of jurors by attachment during the progress of the inquisition, and also to compel the attendance of witnesses by attachment.

#### *Township Trustees' Fees.*

Sec. 29. The fees of the township trustees shall be as follows, to-wit, and none other:



For each day's actual service, they shall be allowed to be paid out of the township fund, two dollars.

But in estimating such number of days, fractions of a day less than one-half shall not be counted, and fractions of a day greater than one-half shall be counted as a whole day.

Sec. 30. No allowance shall be made or paid out of the county treasury by any judge or board of county commissioners for any service rendered by any county officers in a criminal cause, nor for any service rendered in a civil cause, nor for any extra services as such officers, nor for deputy hire.

Sec. 31. If any of the officers named in this act shall tax any fee or make any charge for services not by him performed, or shall under any construction of this act, charge any other fees or fee, or any higher rate whatever than is by this act allowed, any such officer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars, to which may be added imprisonment in the county jail for any period not exceeding one year, and any such officer offending a second or subsequent time, upon conviction thereof of any such offense shall forfeit the office by him held and exercised, and rendered incapable of holding any office of trust or profit for such determinate period as the court or jury trying the same may fix. And it shall be the duty of the judge of the circuit court or criminal circuit court, in counties where such courts exist, at each term of court when a grand jury is required, to instruct such grand jury to diligently inquire into any violations of this law, and to ascertain if such county officers have in any way violated the provisions of this act, and make report thereof to the said judge.

Sec. 31. The fees of coroners, coroners' witnesses and coroners' jurors shall be paid out of the county treasury.

And your committee further recommend that when said bill be so amended that the same do pass.

On motion of Mr. Miers two hundred copies of the bill submitted, with the report of the committee on fees and salaries, was ordered printed, and the report and bill were made the special order for next Tuesday at 10 o'clock A. M.

Mr. Miers moved that the clerk employed by the chairman of the committee on fees and salaries be discharged, for the reason that his services are no longer required.

Which motion prevailed.

Engrossed House Bill No. 390 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Mitchell, Owen, Perry, Reed, Robinson, Rodman, Rooker, Schweitzer, Shauck, Shields, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Vanpelt, Vawter, Watson, Willard, Wimmer and Mr. Speaker—69.

Those who voted in the negative were: Messrs. Blockley, Brown of Steuben, Lindley, Overmyer, Stucker and Works—6.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 303 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Garrouette, Ginz, Golden, Handy, Hart, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Overmyer, Owen, Reed, Robinson, Rodman, Rooker, Schweitzer, Shauck, Shields, Snoddy, Taylor of Daviess, Taylor of

Lagrange, Taylor of Warriek, Thayer, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—72.

Mr. Stucker voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 231 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Johnston, Mitchell, Overmyer, Owen, Perry, Reed, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warriek, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Watson, Willard, Wimmer, Works and Mr. Speaker—80.

Those who voted in the negative were: Messrs. Kelly, Lindley, and Stucker—3.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Dailey offered the following resolution:

WHEREAS, The 22d day of February is Washington's birthday, and in the opinion of the House it is meet and proper that some due and proper observance of the day should be had; therefore, be it



*Resolved*, That this House will adjourn at 11½ o'clock, A. M. on to-morrow until 2 o'clock, P. M., of said day, and that the Adjutant General of the State of Indiana be and he is hereby requested at 12 o'clock, meridian, on said day, to fire a salute of thirty-eight guns in honor of the event.

Which resolution was adopted.

On motion of Mr. Overmyer the standing committees of the House were instructed to take up and consider and report on bills in the order in which they were introduced.

On motion of Mr. Briggs, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## SATURDAY MORNING.

FEBRUARY 22, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The Journal was read in part, when, on motion of Mr. Faulkner, the further reading thereof was dispensed with.

Engrossed House Bill No. 55 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Ginz, Golden, Hart, Herod, Hopkins, Hosmer, Hubbard, Johnston, Kester, Kirkpatrick, Major, March, Messick, Miers, Overmyer, Owen, Perry, Reed, Reichelderfer, Rodman, Robinson, Rooker, Scholl, Shauck, Shutt, Snoddy, Stevens, Stucker, Taylor

of Lagrange, Taylor of Warrick, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—68.

Those who voted in the negative were: Messrs. Arnold of Wabash, Connaway, Copeland, Donnell, Kelly and Lindley—6.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 58 was read the third time.

Mr. Overmyer offered the following amendment:

To insert, "*Provided*, That the provisions of this act shall not apply to existing contracts."

Which was, by the consent of the House, adopted.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Alden, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Bryant, Campbell, Carey, Compton, Confer, Connor, Dailley, Dalton, Davis, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Ginz, Golden, Handy, Hart, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Owen, Reed, Reichelderfer, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shutt, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Van Valzah, Watson, Wimmer, Works and Mr. Speaker—60.

Those who voted in the negative were: Messrs. Arnold of Grant, Blockley, Carter, Connaway, Copeland, Cunningham, Donnell, English, Fancher, Herod, Hopkins, Hosmer, Lehman, Lindley, Overmyer, Perry, Robinson, Stevens and Vawter—19.

The bill passed.

The question being shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 261 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Ginz, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—81.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 493 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those voting in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Ginz, Golden, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shutt,<sup>f</sup> Snoddy, Stevens, Taylor of Daviess, Taylor of



Lagrange, Taylor of Warrick, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—68.

Those who voted in the negative were: Messrs. Carter, Confer, Cunningham, Drake, Faulkner, Flodder, Galbraith, Handy, Miers, Shields, Sleeth, Stucker and Willard—12.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 453 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer and Thompson—68.

Those who voted in the negative were: Messrs. Blockley, Compton, Johnston, Lindley, Overmyer, Owen, Stucker, Tulley, Vanpelt, Van Valzah, Vawter, Works and Mr. Speaker—13.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion of Mr. Edwins House bill No. 377 was recommitted back to the committee on rights and privileges.

Engrossed House Bill No. 228 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Caldwell, Carey, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Robeson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works, and Mr. Speaker—79.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 5 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Ginz, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Sleeth, Snoddy,

Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Vanpelt, VanValzah, Watson, Wimmer, Works and Mr. Speaker—81.

Those who voted in the negative were: Messrs. Bearss and Vawter—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 386 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carter, Compton, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Ginz, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—90.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 498 was read the third time and put upon its passage.



The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Ginz, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Overmyer, Perry, Reichelderfer, Rodman, Robinson, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—79.

Mr. Willard voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 30 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Briggs, Brown of Steuben, Carey, Connaway, Copeland, Dailey, Dalton, Davidson, Donnell, Drover, English, Flodder, Galbraith, Golden, Hart, Hosmer, Kester, Kirkpatrick, Lindley, March, Miers, Mitchell, Osborn of Elkhart, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt and Works—31.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Bearss, Blockley, Brown of Jasper, Bryant, Campbell, Carter, Confer, Connor, Cunningham, Dalton, Davis, Drake, Edwins, Fancher, Faulkner, Handy, Herod, Hopkins, Hubbard, Huthsteiner, Kelly, Lehman, Major, Messick,

Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Shauck, Shields, Shutt, Snoddy, Taylor of Daviess, Van Valzah, Vawter, Watson, Willard and Mr. Speaker—47.

The bill failed to pass.

Engrossed House Bill No. 168 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Ginz, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Lehman, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—78.

Those who voted in the negative were: Messrs. Kirkpatrick, Rooker and Stucker.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 174 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Cunningham, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner,

Flodder, Galbraith, Ginz, Golden, Hart, Herod, Hopkins, Hosmer, Hubbard, Lehman, March, Miers, Osborn of Elkhart, Perry, Reichelderfer, Rodman, Rooker, Scholl, Schweitzer, Shields, Skinner, Stevens, Taylor of Daviess, Taylor of Lagrange, Thompson, Thornburg, Vanpelt, Van Valzah, Watson, Willard, Wimmer, Works and Mr. Speaker—55.

Those who voted in the negative were: Messrs. Arnold of Grant, Brown of Jasper, Connaway, Connor, Copeland, Dailey, Davidson, Faulkner, Handy, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, Messick, Mitchell, Overmyer, Owen, Reed, Robinson, Shauck, Shutt, Snoddy, Stucker, Taylor of Warrick and Vawter—27.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Johnston presented a petition from the citizens of Wells county.

Which was referred to the committee on fees and salaries.

Engrossed House Bill No. 444 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Barker, Blockley, Briggs, Brown of Steuben, Bryant, Caldwell, Compton, Connaway, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Fancher, Faulkner, Flodder, Ginz, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Osborn of Elkhart, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thompson, Thornburg, Tulley, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—66.



Those who voted in the negative were: Messrs. Arnold of Grant, Campbell, Carey, Carter, Confer, Copeland, English, Galbraith, Mitchell, Taylor of Warrick and Vanpelt—11.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 84 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Connaway, Connor, English, Handy, Herod, Hubbard, Huthsteiner, Kirkpatrick, Overmyer, Reed, Robinson, Rodman, Vawter, Watson and Willard—16.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Galbraith, Ginz, Golden, Hart, Hopkins, Hosmer, Kelly, Kester, Lehman, Lindley, Major, March, Miers, Mitchell, Osborn of Elkhart, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulley, Vanpelt, Wimmer, Works and Mr. Speaker—57.

The bill failed to pass.

Engrossed House Bill No. 179 was read the third time, and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carter, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner,

Flodder, Galbraith, Ginz, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Osborn of Elkhart, Overmyer, Reed, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—72.

Those who voted in the negative were: Messrs. Confer, Cunningham and Willard—3.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 114 was read the third time and put upon its passage.

The question being, shall the bill pass?

Pending the roll call, on motion of Mr. Johnston, the House adjourned.

---

## AFTERNOON SESSION.

FEBRUARY 22, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The roll call on House bill No. 114 was resumed.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carter, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Edwins, English, Fancher, Faulkner, Galbraith, Golden, Handy, Hart, Herod, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Major, March,

Messick, Miers, Mitchell, Osborn of Elkhart, Overmyer, Reed, Robinson, Rodman, Scholl, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Works and Mr. Speaker—65.

Those who voted in the negative were: Messrs. Cunningham and Hosmer—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Miers moved to suspend the order of business and take up reports of committees.

Which was agreed to.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

**MR. SPEAKER:**

Your committee on the organization of courts of justice, to whom was referred House bill No. 450, by Mr. Fancher, have had the same under consideration and have directed me to report the same back to the House with the recommendation that the bill be indefinitely postponed.

Which report was concurred in.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

**MR. SPEAKER:**

Your committee on the organization of courts of justice, to whom was referred House bill No. 93, by Mr. Huthsteiner, have directed me to report the same back with the recommendation that as soon as a bill similar to the one required by the resolution has been introduced and read a second time, that your committee will then consider the same, but your committee have not the time to report such bill to the House.

Report concurred in.



Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred House bill No. 472, by Mr. Lindley, have had the same under consideration, and have directed me to report the same back to the House with the recommendation that said bill do lie upon the table.

Which report was concurred in.

P. H. Jameson, president of the board of benevolent institutions, submitted the following report:

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

SIR: On behalf of the board of commissioners of the Indiana Hospital for the Insane, I have the honor to transmit the accompanying itemized statement of expenditures for the years 1877 and 1878, for the information of the House of Representatives.

Very respectfully,

P. H. JAMESON,

President of the Board.

Which report and accompanying documents were referred to the committee on ways and means.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate bill No. 184.

Also that the Senate has passed Senate bill No. 254.

And the same are herewith submitted to the House of Representatives for its action thereon.

Engrossed Senate Bill No. 184, entitled "An act to prevent the practice of resorting to distant courts to oppress the citizens of Indiana, and deprive them of their rights under the statutes of Indiana, and providing punishments."

Read the first time.

Engrossed Senate Bill No. 254, entitled "An act to provide for the payment of judges holding courts out of their circuits, and for the payment of attorneys holding court or presiding in the trial of causes, and authorizing their payment from the regular judge's salary in certain cases."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 187; and the same is herewith submitted to the House for its action thereon.

Also the following:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 65.

Also, that the Senate has passed House engrossed bill No. 141.

And the same is herewith submitted to the House of Representatives for its action thereon.

Engrossed Senate Bill No. 65, entitled "An act defining libel, and to prevent the publication thereof."

Read the first time.

Engrossed Senate Bill No. 187, entitled "An act amending sections 1, 2 and 20 of an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 140; and the same is herewith transmitted to the House for its action thereon.

Engrossed Senate Bill No. 140, entitled "An act authorizing the surrender of city charter or municipal organizations of any city whose population shall be less than seven thousand inhabitants, and reserving all vested rights and contracts made before such surrender."

Read the first time.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate engrossed bill No. 209; and the same is herewith transmitted to the House for its action thereon.

Engrossed Senate Bill No. 209, entitled "An act to authorize appeals from boards of commissioners of a county, in cases of the location or removal of county seats, to the circuit courts, and from the circuit courts to the supreme court of the State of Indiana, by persons aggrieved."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate bill No. 18.

Also, that the Senate has passed Senate bill No. 37.

Also, that the Senate has passed Senate bill No. 43.

Also, that the Senate has passed Senate bill No. 47.

Also, that the Senate has passed Senate bill No. 119.

Also, that the Senate has passed Senate bill No. 180.

And the same are herewith transmitted to the House of Representatives for its action thereon.

Engrossed Senate Bill No. 27, entitled "An act to provide for the government and discipline of the state prison; prescribing a punishment for violation thereof, and to repeal an act to provide for the government and discipline of the state prison, approved February 5, 1857, and all other laws and parts of laws inconsistent therewith."

Read the first time.

The Speaker reported that he had signed enrolled House bill No. 141.



Engrossed Senate Bill No. 180, entitled "An act to amend section 12 of an act entitled an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto, and repealing all laws conflicting with this act and declaring an emergency, approved March 10, 1873."

Read the first time.

Engrossed Senate Bill No. 119, entitled "An act to repeal an act to establish a superior court in the county of Cass, defining its jurisdiction and providing for the election and compensation of a judge thereof and other matters connected therewith, and declaring an emergency, approved March 3, 1877, and providing for the disposition of the business thereof, defining what counties shall constitute the twenty-ninth and thirty-ninth judicial circuits of the State of Indiana, and fixing the time of holding courts therein, and repealing all laws and parts of laws inconsistent therewith."

Read the first time.

Engrossed Senate Bill No. 47, entitled "An act to amend section twelve (12) of an act entitled an act to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and other officers in the premises, and to provide for the repair of such drains, approved March 9, 1875.

Read the first time.

Engrossed Senate Bill No. 43, entitled "An act to exempt the wages of laborers from garnishment and proceedings supplemental to execution in certain cases."

Read the first time.

Engrossed Senate Bill No. 37, entitled "An act to enable the board of commissioners of the several counties of the State of Indiana to dispose of all allowances made and orders drawn upon the county treasurer of their respective counties when said allowances or orders have remained uncalled for for the period of five years or more.

Read the first time.

Engrossed Senate Bill No. 18, entitled "An act to declare all land patents issued by the trustees of the Wabash and Erie Canal, and all canal land patents that may be herewith issued and the record thereof in the recorder's office in any county in this State where

canal land described therein lies, and duly certified copies of such record as evidence of title to any canal land therein described, in any court of record in this State, and all canal land patents heretofore issued and not recorded, and all that may be hereafter issued, shall be recorded in the record of deeds in the recorder's office of the county in which the land therein described is situate."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. —.

Also that the Senate has passed engrossed Senate bill No. 118.

Also that the Senate has passed engrossed Senate bill No. 216.

Also that the Senate has passed engrossed Senate bill No. 331.

Also that the Senate has passed engrossed Senate bill No. 338.

Also that the Senate has passed engrossed Senate bill No. 353.

Also that the Senate has passed engrossed Senate bill No. 365.

Also that the Senate has passed engrossed Senate bill No. 382.

And the same are herewith submitted to the House of Representatives for its action thereon.

Engrossed Senate Bill No. 382, entitled "An act to amend the first and fourteenth sections of an act entitled an act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies, approved May 12, 1869, and amended by an act entitled an act to amend sections 1, 2, 3, 4, 8, 13 and 17 of an act entitled an act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies, approved March 17, 1875, and declaring an emergency."

Read the first time.

Engrossed Senate Bill No. 331, entitled "An act to amend section 1 of an act entitled an act authorizing school trustees of a city or incorporated town to pay over to such city or town surplus special school revenue for the payment of indebtedness created for school building purposes, and legalizing acts where such surplus has been so appropriated, approved March 3, 1877."

Read the first time.

Engrossed Senate Bill No. 216, entitled "An act defining the crime of embezzlement and prescribing the punishment thereof, and repealing all laws upon the same subject."

Read the first time.

Engrossed Senate Bill No. 118, entitled "An act to amend sections 199, 201, 202, 203, 204 and 205 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law and to provide for the administration of justice in a uniform mode of pleadings and practice without distinction between law and equity, approved June 18, 1852."

Read the first time.

Engrossed Senate Bill No. 353, entitled "An act supplemental to an act concerning trusts and powers, approved January 17, 1852."

Read the first time.

Engrossed Senate Bill No. 365, entitled "An act to amend section 3 and repealing section 4, of an act entitled an act for the relief of Lye Creek Draining Association, approved March 10, 1873."

Read the first time.

Engrossed Senate Bill No. 338, entitled "An act providing for the protection of wild game, and defining the time and manner within which the same may be taken, killed, sold, or otherwise disposed of; prohibiting the shipment of game from the State of Indiana, and also providing for the protection of certain birds in this act named, and prohibiting the destruction of their nests or eggs; and also, making it unlawful to go upon lands for the purpose of hunting without permission of the owner, and providing penalties for injuring the property of any such owner; and, also, prescribing penalties for the offenses and misdemeanors defined in this act, and repealing all acts inconsistent with this act."

Read the first time.

House Bill No. 609. Introduced by Mr. Carter, was read the second time and referred to the committee on the judiciary.

House Bill No. 593. Introduced by Mr. Compton, was read the second time and referred to the committee on railroads.

House Bill No. 608. Introduced by Mr. Humphreys, was read the second time and referred to the committee on ways and means.



House Bill No. 603. Introduced by Mr. Skinner, was read the second time and referred to the committee on agriculture.

House Bill No. 602. Introduced by Mr. Johnston, was read the second time and referred to the committee on corporations.

House Bill No. 601. Introduced by Mr. Johnston, was read the second time and ordered to be engrossed.

House Bill No. 599. Introduced by Mr. Confer, was read the second time and referred to the committee on mileage.

House Bill No. 600. Introduced by Mr. Majors, was read the second time and referred to the committee on the judiciary.

House Bill No. 598. Introduced by Mr. Kirkpatrick, was read the second time and referred to the committee on rights and privileges.

House Bill No. 607. Introduced by Mr. Huthsteiner, was read the second time and referred to the committee on the judiciary.

House Bill No. 594. Introduced by Mr. Stucker, was read the second time and referred to the committee on county and township business.

House Bill No. 595. Introduced by Mr. Stucker, was read the second time and referred to the committee on agriculture.

House Bill No. 596. Introduced by Mr. Stucker, was read the second time and referred to the committee on the judiciary.

House Bill No. 597. Introduced by Mr. Kirkpatrick, was read the second time and referred to the committee on roads.

House Bill No. 604. Introduced by Mr. Garoutte, was read the second time and referred to the committee on railroads.

House Bill No. 605. Introduced by Mr. Kester, was read the second time and referred to the committee on agriculture.

House Bill No. 606. Introduced by Mr. Bearss, was read the second time and referred to the committee on elections.

The following communication was submitted from the Commissioner of the House of Refuge:

INDIANAPOLIS, IND., February 21, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives :*

In response to the resolution of the House of Representatives requesting information as to the offences for which boys have been committed to the House of Refuge, I submit the following, which includes the years 1877 and 1878:

For murder.....	2
For burglary.....	3
For burglary and larceny.....	4
For grand larceny.....	27
For petit larceny.....	70
For assault and battery, with intent to kill.....	2
For assault and battery, with intent to commit rape.....	2
For forgery.....	1
For embezzlement.....	1
Charged with being addicted to larceny.....	25
For picking pockets.....	1
For incorrigibility.....	49
For viciousness.....	49
For vagrancy.....	1
For offences under third division, section 10.....	51

Respectfully submitted,

LEWIS JORDAN,

Commissioner House of Refuge.

House Bill No. 610. Introduced by Mr. Stucker, entitled "An act to legalize the election of the boards of trustees of the town of Paoli, Orange county, Indiana, for the years 1878 and 1879."

Read the first time.

Mr. Carter presented the claim of James K. March.

Which was referred to the committee on claims.

House Bill No. 611. Introduced by Mr. Stucker, entitled "An act to prevent township trustees from making expensive and extravagant orders for medical attention and services."

Read the first time.

House Bill No. 612. Introduced by Mr. March, entitled "A bill for an act supplemental to an act entitled an act concerning the partition of land, and to provide for making partition of land by agreement without proceedings."

Read the first time.

House Bill No. 613. Introduced by Mr. March, entitled "A bill to amend section 41, and repealing section 43, of an act entitled an act providing for the government of the State University, the management of the funds and the disposition of the lands thereof, approved June 17, 1852."

Read the first time.

House Bill No. 614. Introduced by Mr. March, entitled "A bill to amend the 596th section of the revised statutes.

Read the first time.

Mr. Connaway presented a petition from the citizens of Union county, which was referred to the committee on county and township business.

Mr. Brown, of Jasper, presented a petition from the citizens of Newton county, which was referred to the committee on cities and towns.

House Bill No. 615. Introduced by Mr. Dalton, entitled "A bill for an act to amend section 8 of an act supplementary and amendatory of an act entitled an act to provide for the uniform assessment of property and for the collection and return of taxes thereon, approved December 21, 1872, approved March, 1873, and declaring an emergency."

Read the first time.

House Bill No. 616. Introduced by Mr. Taylor, of Lagrange, entitled "A bill for an act to amend sections 47 and 57 of an act entitled an act supplemental to an act entitled an act dividing the State into counties, defining their boundaries and defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7, 1852, so as to define the boundary between the counties of Washington and Clark, approved March 7, 1873."

Read the first time.

Mr. Taylor, of Lagrange, presented a petition from the citizens of Lagrange county.

Which was referred to the committee on rights and privileges.

House Bill No. 617. Introduced by Mr. Robinson, entitled "An act providing for the erection, establishment and management of county hospitals in certain counties of this State."

Read the first time.



House Bill No. 618. Introduced by Mr. Robinson, entitled "An act to amend an act entitled an act to authorize the board of commissioners to appoint justices of the peace where vacancies may occur in said office, approved March 10, 1875."

Read the first time.

House Bill No. 619. Introduced by Mr. Robinson, entitled "An act to regulate the letting of contracts for the doing of public works, and the better protection of merchandise."

Read the first time.

Mr. Johnston offered the following resolution:

*Resolved*, That from and after Monday next when the counties are called for the introduction of bills and resolutions, that each member shall have the right to call up for action one bill, and no more, until the call is through.

Which was laid over until Monday, under the rule.

House Bill No. 620. Introduced by Mr. Miers, from the committee on education, entitled "An act to provide for a general system of common schools, and for the care and management of the school funds."

Read the second time.

House Bill No. 621. Introduced by Mr. Shauck, entitled "A bill for an act to legalize the assessment and levy of taxes made by the common council of the city of Kendallville, for general city purposes, and paying the interest and creating a sinking fund for the payment of the principal of certain bonds issued by the common council of said city to the Grand Rapids and Indiana Railroad, for the year 1877."

Read the first time.

Mr. Kelly presented a petition from the citizens of Parke county. Which was referred to the committee on temperance.

House Bill No. 622. Introduced by Mr. Huthsteiner, entitled "A bill for an act to amend section five of an act approved March 8, 1873, entitled an act amendatory and supplemental of an act entitled an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872."

Read the first time.

House Bill No. 623. Introduced by Mr. Watson, entitled "An act to legalize the sale and conveyance of certain real estate, situate in Randolph county, Indiana, and declaring an emergency."

Read the first time.

House Bill No. 624. Introduced by Mr. Bryant, entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named; and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865."

Read the first time.

House Bill No. 625. Introduced by Mr. Briggs, entitled "An act to amend the first and second sections of an act entitled an act giving the employes of corporations a lien for their work and labor upon the corporate property of such corporation, and the earnings thereof, together with the mode of enforcing same, and repealing all laws in conflict therewith, approved March 13, 1877."

Read the first time.

House Bill No. 626. Introduced by Mr. Briggs, entitled "A bill for an act prescribing the manner in which notice of sale for delinquent taxes shall be given, the kind of notice to be given, and repealing all laws in conflict therewith."

Read the first time.

House Bill No. 627. Introduced by Mr. Briggs, entitled "A bill for an act prescribing the manner in which notice of sale of real estate on execution or other process shall be given."

Read the first time.

House Bill No. 628. Introduced by Mr. Osborn, of Elkhart, entitled "A bill for an act to establish a board of commissioners to increase the product of fisheries and to make appropriations for the same."

Read the first time.

House Bill No. 629. Introduced by Mr. Mitchell, entitled "An act repealing an act to provide for township elections, approved March 3, 1877."

Read the first time.

House Bill No. 630. Introduced by Mr. Owen, entitled "An act regulating the presentation of claims against counties before the board of county commissioners and the adjudication of the same."

Read the first time.

House Bill No. 631. Introduced by Mr. Owen, entitled "A bill to legalize sales of real estate by sheriffs in certain cases, and declaring an emergency."

Read the first time.

House Bill No. 632. Introduced by Mr. Owen, entitled "A bill for an act to legalize the acts of the trustees of Williamsport Lodge No. 38, of Free and Accepted Masons."

Read the first time.

Mr. Miers moved that two hundred copies of House bill No. 620 be printed for the use of the members.

Which was agreed to.

On motion of Mr. Johnston the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## MONDAY MORNING.

FEBRUARY 24, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of Saturday was read in part, when, on motion of Mr. Drake, the further reading was dispensed with.

Engrossed Senate Bill No. 140 was read the second time and referred to the committee on cities and towns.

Engrossed Senate Bill No. 180 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 118 was read the second time and passed to a third reading.



Engrossed Senate Bill No. 338 was read the second time and referred to the committee on rights and privileges.

Engrossed Senate Bill No. 353 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 382 was read the second time and referred to the committee on railroads.

Engrossed Senate Bill No. 18 was read a second time and referred to the committee on corporations.

Engrossed Senate Bill No. 27 was read a second time and referred to the committee on prisons.

Engrossed Senate Bill No. 119 was read the second time and referred to the committee on the organization of courts.

Engrossed Senate Bill No. 43 was read the second time and referred to the committee on rights and privileges.

Engrossed Senate Bill No. 216 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 187 was read the second time and referred to the committee on county and township business.

Engrossed Senate Bill No. 65 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 184 was read the second time and referred to the committee on rights and privileges.

Engrossed Senate Bill No. 254 was read the second time and referred to the committee on the organization of courts.

Engrossed Senate Bill No. 209 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 47 was read the second time and referred to the committee on drains and dykes.

Engrossed Senate Bill No. 37 was read the second time and referred to the committee on county and township business.

Engrossed Senate Bill No. 331 was read the second time and referred to the committee on county and township business.

Engrossed Senate Bill No. 365 was read the second time and referred to the committee on drains and dykes.

House Bill No. 621. Introduced by Mr. Shauck, was read the second time and ordered to be engrossed.

House Bill No. 619. Introduced by Mr. Robinson, was read the second time and referred to the committee on rights and privileges.

House Bill No. 618. Introduced by Mr. Robinson, was read the second time and referred to the committee on the organization of courts.

House Bill No. 610. Introduced by Mr. Stucker, was read the second time and referred to the committee on the organization of courts.

House Bill No. 611. Introduced by Mr. Stucker, was read the second time and referred to the committee on county and township business.

House Bill No. 613. Introduced by Mr. March, was read the second time and referred to the committee on education.

House Bill No. 614. Introduced by Mr. March, was read the second time and referred to the committee on the judiciary.

House Bill No. 615. Introduced by Mr. Dalton, was read the second time and referred to the committee on ways and means.

House Bill No. 616. Introduced by Mr. Taylor, of Lagrange, was read the second time and referred to the committee on rights and privileges.

House Bill No. 612. Introduced by Mr. March, was read the second time and referred to the committee on the judiciary.

Mr. Osborn presented a remonstrance from the citizens of Noble county.

Which was referred to the committee on rights and privileges.

House Bill No. 617. Introduced by Mr. Robinson, was read the second time and referred to the committee on county and township business.

House Bill No. 622. Introduced by Mr. Huthsteiner, was read the second time and referred to the committee on county and township business.

Mr. Johnston presented a petition from the citizens of Wells county.

Which was referred to the committee on fees and salaries.

Mr. Johnston presented a petition from the citizens of Wells county.

Which was referred to the committee on ways and means.

House Bill No. 623. Introduced by Mr. Watson, was read the second time and referred to the committee on county and township business.

House Bill No. 624. Introduced by Mr. Bryant, was read the second time and referred to the committee on education.

House Bill No. 625. Introduced by Mr. Briggs, was read the second time and referred to the committee on rights and privileges.

House Bill No. 626. Introduced by Mr. Briggs, was read the the second time and referred to the committee on the judiciary.

House Bill No. 627. Introduced by Mr. Briggs, was read the second time and referred to the committee on the judiciary.

House Bill No. 628. Introduced by Mr. Osborn, of Elkhart, was read the second time and referred to the committee on rights and privileges.

Mr. Osborn presented a petition from the citizens of various counties.

Which was referred to the committee on rights and privileges.

House Bill No. 629. Introduced by Mr. Mitchell, was read the second time and ordered to be engrossed.

House Bill No. 630. Introduced by Mr. Owen, was read the second time and referred to the committee on county and township business.

House Bill No. 631. Introduced by Mr. Owen, was read the second time and referred to the committee on the judiciary.

House Bill No. 632. Introduced by Mr. Owen, was read the second time and referred to the committee on corporations.

The resolution of Mr. Johnston, presented on Saturday, was taken up and adopted.

On motion, the report of the committee of the judiciary, on House bill No. 118, was concurred in.

Mr. Briggs moved that 500 copies of House bill No. 620 be printed instead of the 200 copies ordered.

Which was agreed to.



Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred, on recommitment, House bill No. 337, have had the same under consideration and direct me to report it back to the House with the recommendation that it be amended as follows, and when so amended it do pass:

Amend sections 4, 5, 6, 7, 8 and 9 to read as follows: Said sections amended as in the accompanying bill.

Also, amend the bill by striking out all of section 10, and change all of the subsequent number of sections to conform to these amendments, and when so amended, amend sections 11, 12, 13 and 14 to read as follows: By inserting sections above of accompanying bills.

Report concurred in and the bill ordered engrossed.

Mr. Huthsteiner offered the following resolution:

*Be it resolved by the House of Representatives*, That the Auditor of State be and is hereby requested to make to this House a full and complete report of all fees of whatever kind which have been collected by the Auditor of State from foreign insurance companies doing business in this State during the twelve months ending on the 30th day of November, 1878, specifying the number of statements of such companies examined by him, and the number of certificates of authority issued to agents or companies; the Auditor of State is requested to report to this House what disposition has been made of any and all fees so collected by him.

Which was adopted.

Mr. Golden was granted leave of absence until Wednesday.

On motion of Mr. Johnston, the House adjourned until 2 o'clock

P. M.

## AFTERNOON SESSION.

FEBRUARY 24, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

House Bill No. 633. Introduced by Mr. Overmyer, entitled "A bill to provide means for the erection of the new State House."

Read the first time.

Mr. Overmyer offered the following resolution:

*Resolved*, That the Treasurer of State be required to inform this House forthwith what balance of cash remained in the treasury on November 30, 1878, December 31, 1878 and January 31, 1879. Also, what have been the receipts and disbursements since January 31, 1879, and what the balance of cash in the treasury now is.

Which was adopted.

House Bill No. 634. Introduced by Mr. Confer, entitled "An act to amend the eighth subdivision of section 7 of an act entitled an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872, and declaring an emergency."

Read the first time.

House Bill No. 635. Introduced by Mr. Cunningham, entitled "An act to amend sections 1, 2 and 3 of an act entitled an act to provide for the regulation of the running at large of all kinds of animals within the different townships in the different counties of the State, and to provide for the the taking up, impounding and selling of all such animals as shall not be allowed by law to run at large, approved May 31, 1852."

Read the first time.

House Bill No. 636. Introduced by Mr. Robinson, entitled "An act to amend section 15 of an act entitled an act regulating elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852."

Read the first time.

Mr. Osborn, from the judiciary committee, submitted the following report :

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 209, have had the same under consideration and recommend that the bill do pass.

Report concurred in.

Mr. Osborn, from the judiciary committee, submitted the following report :

MR. SPEAKER:

Your committee, to whom was referred House bill No. 268, have had the same under consideration and recommend that the bill do pass.

Report concurred in.

Mr. Osborn, from the judiciary committee, submitted the following report :

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 404, introduced by Mr. Nave, to simplify and abridge the rules of practice, have had the same under consideration, and have instructed me to report back to the House and recommend that the bill be indefinitely postponed.

Which was concurred in.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report :

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 272, have had the same under consideration, and direct me to report the same back, recommending that it be indefinitely postponed.

On motion the bill and report were referred to the select committee to which House bill No. 31 was referred.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report :

MR. SPEAKER:

Your committee, to whom was referred House bill No. 214, have had the same under consideration and recommend that it be amended, and when so amended that the bill do pass.



Amend section 1 by adding thereto the following: "except when the distance continuously traveled at one time shall be less than five miles."

And further amend by striking out section 2, and inserting the following, viz:

Section 2. Any railroad company or corporation violating any of the provisions of this act shall pay and forfeit to the State of Indiana the sum of one hundred dollars for each offense, and suit may be brought in the name of the State against said corporation in any county through which the road of such corporation may pass and in which it may have an agent. The action may be brought by the prosecuting attorney or any reputable practicing attorney of the circuit court of the county, upon the complaint setting forth the facts, and sworn or affirmed by some other competent person, and if judgment be recovered one-half thereof shall go and belong to the person who swore or affirmed to the complaint, and the other half shall go into and become a part of the general fund in the State treasury, and there shall be entered up and charged as costs against the defendant a docket fee in said cause of twenty-five dollars, which shall belong to the attorney bringing and prosecuting the said action.

Which report was concurred in and the bill ordered engrossed as amended.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 328, introduced by Mr. Lehman, beg leave to report that they have had the same under consideration, and they recommend that the bill be amended as follows:

Insert after word "payment," in line nine of section 1, the following, viz: "Any thing whatever or shall employ any other means with intent to procure the miscarriage of such woman."

And that the bill be further amended by striking out all after the word "and," in line sixteen of said section 1, and inserting the following, viz: "Every person who shall sell, give, furnish to or for any pregnant woman, or woman supposed to be pregnant, or procure or obtain for such woman any drug, medicine or other thing capable of producing an abortion or miscarriage, with the intent or understanding that such drug, medicine or other thing should be

taken or used by such woman to procure an abortion or miscarriage, unless the same be necessary to preserve her life, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail for any period not less than six months nor more than one year, and be fined in any sum not less than one hundred dollars nor more than one thousand dollars.

That said bill be further amended by striking out section 3.

And that when so amended the bill do pass.

Report concurred in, and the bill as amended ordered to be engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 541, introduced by Mr. Bearss, have had the same under consideration and have instructed me to report the bill back to the House and recommend that it do lie on the table.

Which was concurred in.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 50, have had the same under consideration and have instructed me to report the bill back to the House and recommend that it do lie on the table.

Which was concurred in.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 539, introduced by Mr. Herod, have had the same under consideration and have instructed me to report the bill back to the House and recommend that it do pass.

Which was concurred in and the bill ordered engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 148, introduced by Mr. Tulley, have had the same under consideration and have instructed me to report the bill back to the House, and recommend that it be indefinitely postponed.

Mr. Tulley moved that the report do lie on the table.

Which was agreed to.

Mr. Tulley moved that the bill be engrossed.

Which was agreed to.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 57, being an act to legalize defective sheriff sales, have had the same under consideration and have instructed me to report the bill back to the House and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 387, introduced by Mr. Rodman, entitled (see title) have had the same under consideration and have directed me to report the same back to the House and recommend that the bill be indefinitely postponed.

Which report was concurred in.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report.

MR. SPEAKER:

Your committee to whom was referred House bill No. 247, have had the same under consideration and have instructed me to report the same back to the House with the recommendation that the bill do pass.

On motion of Mr. Tulley the report and bill were laid on the table.



Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report.

MR. SPEAKER:

Your committee on the judiciary to whom was referred House bill No. 309, introduced by Mr. Osborn, of Vermillion, have had the same under consideration and have instructed me to report the same back to the House with the recommendation that it do lie on the table.

Which report was concurred in.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report.

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 308, introduced by Mr. Briggs, have had the same under consideration and have directed me to report the same back to the House with the recommendation that it do lie on the table.

Which report was concurred in.

Mr. Osborn, of Elkhart, from the committee on the judiciary, made the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 57, being "An act to legalize defective sheriff's sales," have had the same under consideration and have instructed me to report the bill back to the House and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 387, introduced by Mr. Rodman, entitled (see title), have had the same under consideration and have instructed me to report the same back to the House and recommend that the bill be indefinitely postponed.

Which report was concurred in.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 247, have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that the bill do pass.

On motion of Mr. Tulley, the report and bill were laid on the table.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 309, introduced by Mr. Osborn, of Vermillion, have had the same under consideration and have instructed me to report the same back to the House with the recommendation that it do lie on the table.

Which report was concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 308, introduced by Mr. Briggs, have had the same under consideration and have instructed me to report the same back to the House, with the recommendation that it do lie on the table.

Which report was concurred in.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 306, introduced by Mr. Sleeth, have had the same under consideration and have instructed me to report the bill back to the House with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 596, introduced by Mr. Stucker, beg leave to report that they have had the same under consideration and recommend that the bill do pass.

Report concurred in and bill ordered engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 607, beg leave to report that they have had the same under consideration, and they recommend that the bill be amended as follows, viz:

Strike out the words "written or," in line nine of section 1, and add to said section 1 the following: "The sheriff shall procure printed notices of sheriff's sales, with the words "Sheriff's Sale" printed in large letters at the top thereof, and containing blank spaces sufficient to insert the names of the parties, the description of the property to be sold and date of sale, such notices not to cost more than three dollars per hundred. He shall use the said notices in making the advertisement above provided for, and may charge to the proper parties the cost thereof, not to exceed three cents for each notice posted up, and such mileage and charges for posting as may be provided for by law;" and that when the bill be so amended that the bill do pass.

Which report was concurred in, and the bill as amended ordered engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 600, introduced by Mr. Major, beg leave to report that they have had the same under consideration and they recommend that the bill do lie upon the table.

Mr. Major moved that the report and bill lay on the table.

Which was agreed to.

Mr. Major moved that the bill be engrossed.

Which was not agreed to.



Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

**MR. SPEAKER:**

Your committee on the judiciary, to whom was referred House-bill No. 609, introduced by Mr. Carter, beg leave to report that they have had the same under consideration and they recommend that the bill do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

**MR. SPEAKER:**

Your committee on the judiciary, to whom was referred House-bill No. 352, introduced by Mr. Robinson, have had the same under consideration and have instructed me to report the same back to the House with the recommendation that the bill be indefinitely postponed.

Which was concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

**MR. SPEAKER:**

Your committee on the judiciary, to whom was referred House-bill No. 89, introduced by Mr. Gordon, have had the same under consideration and have instructed me to report the bill back to the House with the recommendation that it be indefinitely postponed.

On motion of Mr. Gordon, the report was laid on the table, and House bill No. 89 was recommitted back to the judiciary committee.

Mr. Osborn moved that House bill No. 537 be taken from the table and engrossed.

Which was agreed to.

Mr. Taylor, from the committee on the judiciary, submitted the following report:

**MR. SPEAKER:**

Your committee on the judiciary, to whom was referred House-bill No. 441, introduced by Mr. Arnold, of Wabash, entitled, "An act to enable and empower executors and administrators of the estates of deceased persons to enforce partition of the real estate of

such decedents, etc., have had the same under consideration, and have instructed me to report back to the House and recommend that the bill be indefinitely postponed.

Which report was concurred in.

Mr. Taylor, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 440, introduced by Mr. Arnold, entitled "An act in relation to justices of the peace," etc., have had the same under consideration and have instructed me to report back to the House and recommend that the bill be indefinitely postponed.

Report concurred in.

Mr. Taylor, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 434, introduced by Mr. Skinner, entitled "An act to provide for the redemption of real property," etc., have had the same under consideration, and have instructed me to report the bill back to the House and recommend that the same be indefinitely postponed.

Report concurred in.

Mr. Taylor, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 360, introduced by Mr. Schweitzer, entitled "An act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," etc., have had the same under consideration and have instructed me to report the bill back to the House and recommend that the same be indefinitely postponed.

Which was concurred in.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 508, have had the same under consideration and direct me to report the same back to the House with the recommendation that it do pass.

Which report was concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 170, introduced by Mr. Handy, have had the same under consideration and have directed me to report the same back to the House with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 585, have had the same under consideration and direct me to report the same back with the recommendation that it do pass.

Report concurred in and bill ordered engrossed.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 507, have had the same under consideration and direct me to report the same back to the House, with the recommendation that it do pass.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Works, from the judiciary committee, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 95, have had the same under consideration and directed me to report the same back to the House with the recommendation that it be indefinitely postponed.



Mr. Herod moved that the report do lie upon the table.  
Which was agreed to and the bill ordered engrossed.

Mr. Works, from the committee on the judiciary, submitted the following report:

**MR. SPEAKER:**

Your committee to whom was referred House bill No. 505, have had the same under consideration and direct me to report the same back, recommending that it be indefinitely postponed.

The report was concurred in.

Mr. Works, from the committee on the judiciary, submitted the following report:

**MR. SPEAKER:**

Your committee to whom was referred House bill No. 274, have had the same under consideration and direct me to report the same back, with the recommendation that the bill do lie on the table.

Report concurred in.

Mr. Works, from the committee on the judiciary, submitted the following report:

**MR. SPEAKER:**

Your committee, to whom was referred House bill No. 293, entitled "An act defining certain felonies and prescribing punishment therefor," have had the same under consideration and direct me to report the same back to the House with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Works, from the committee on the judiciary, submitted the following report:

**MR. SPEAKER:**

Your committee on the judiciary, to whom was referred House bill No. 196, introduced by Mr. Compton, in relation to guardians, etc., have had the same under consideration and have instructed me to report back to the House that the bill do lie on the table.

Which report was concurred in.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 232, have had the same under consideration and have directed me to report the same back to the House with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 478, have had the same under consideration and direct me to return the same with a recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 490, have had the same under consideration and direct me to return the same to the House with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Sleeth, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 581, have had the same under consideration and have directed me to report the same back recommending that it do pass.

Report concurred in and bill ordered to be engrossed.

Mr. Sleeth, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary have had House bill No. 579, by Mr. Osborn, of Elkhart, being a bill for an act for the appointment of probate commissioners in the several counties in the State, etc., under consideration and have instructed me to report the same back to the House with the recommendation that it do lie on the table.

Report concurred in.

Mr. Sleeth, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 13, introduced by Mr. Overmyer, have had the same under consideration and have instructed me to report the same back to the House and recommend that it do lie on the table, for the reason that they believe the bill if enacted would be unconstitutional.

On the question of concurring in the report.

Messrs. Overmyer and Miers demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Washash, Baker, Barker, Briggs, Carter, Confer, Connaway, Copeland, Dailey, Davidson, Davis, English, Garrouette, Ginz, Gordon, Handy, Hart, Herod, Kester, March, Nave, Osborn of Elkhart, Shields, Shutt, Sleeth, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, VanValzah, Watson, Works and Mr. Speaker—33.

Those who voted in the negative were: Messrs. Alden, Allen, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Compton, Connor, Cunningham, Dalton, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Lehman, Lindley, Major, Messick, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thornburg, Vanpelt, Vawter, Willard and Wimmer—53.

The report was not concurred in, and the bill ordered engrossed.

Mr. Sleeth, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 83, by Mr. Connor, have had the same under consideration and a majority of the committee recommend that the same be amended by striking out all after the enacting clause, and insert the following:

That keepers of livery stables, and all other persons who furnish feed, pasture, keeping or care of horses, mules, cattle, hogs, or any



other live stock of any kind whatever, shall have a lien upon such property for any amount owing therefor, as per contract in case of an express contract, and in case of an implied contract for the fair and reasonable charges for the same; and any person keeping any male animals for purposes of breeding shall, in addition to the lien above provided for, have a lien on any stock left with or sent to or put in the possession of such person for such purposes, by a non-resident of the county in which said male animals are kept for such purposes, for the amount due the owner of such male animal for the services of such animal, according to the contract, if there be an express one, and if not then at the published price, and if there be no published price then for the fair and reasonable value thereof; and any person holding a lien, as herein provided for, shall be entitled to the possession of such property until the debt is discharged, and may maintain replevin for the possession of the same against the owner or any other person where he has been deprived of such possession without his consent or without due process of law, and any person holding such lien may after his debt becomes due, such property to be appraised by two disinterested householders of the neighborhood in the same manner and for the same fees as are now provided by law for the appraisement of personal property, attach, and three weeks' notice shall be given of the time and place of sale, setting forth a description of the property and the amount of such debt; on day of sale the same may be sold at public sale to the highest bidder, provided that no property appraised at more than fifty dollars shall be sold except at the county seat, and as near to the court house door as practicable. Out of the proceeds of such sale the costs shall be first paid, next the amount of such lien holder's debt, and the balance shall be paid over to the lien holder.

And when so amended that the bill do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Sleeth, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 165, have had the same under consideration and direct me to report the same back with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Sleeth, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 178, introduced by Mr. Fancher, being "An act to simplify and abridge the rules, practice, pleadings and forms," have had the same under consideration and have instructed me to report back to the House and recommend that it do lie on the table.

Report concurred in.

Mr. Sleeth, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 204, introduced by Mr. Carey, have had the same under consideration and have instructed me to report back to the House and recommend that the bill be indefinitely postponed.

Which report was concurred in.

Mr. Sleeth, from the committee on the judiciary, submitted the following report.

MR. SPEAKER:

Your committee on the judiciary to whom was referred House bill No. 248, introduced by Mr. Schweitzer, have had the same under consideration and have instructed me to report back to the House and recommend that it lie on the table.

Report concurred in.

Mr. Sleeth, from the committee on the judiciary, submitted the following report.

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 354, introduced by Mr. Watson, have had the same under consideration and have instructed me to report back to the House and recommend that it do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Sleeth, from the committee on the judiciary, submitted the following report

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 432, introduced by Mr. Sleeth, have had the same under consideration and have instructed me to report the same back to the House and recommend that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill 523, introduced by Mr. Mitchell, of Washington, have had the same under consideration and directed me to report the same back and recommend that it lie on the table, as the House has already passed a bill upon the same subject.

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 524, introduced by Mr. March, have had the same under consideration and have instructed me to report the bill back to the House and recommend that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 341, have had the same under consideration and directed me to report the same back and recommend that it lie on the table, as its provisions in its present shape are impracticable.

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 474, by Mr. Kirkpatrick, have had the same under consideration and directed me to report the same back and recommend that it be indefinitely postponed.

Report concurred in.



Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 517, by Mr. Watson, have had the same under consideration and directed me to report the same back and recommend that it lie on the table, as a similar House bill has already been engrossed.

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 186, introduced by Mr. Huthsteiner, have had the same under consideration and have instructed me to report it back to the House and recommend that it be indefinitely postponed.

Report concurred in.

Mr. Briggs, from the committee on the organization of courts of justice, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred House bill No. 537, by Mr. Willard, have had the same under consideration and have directed me to report the same back to the House with the recommendation that said bill be indefinitely postponed.

Mr. Tully moved that the bill be recommitted to the committee.

Mr. Willard moved to amend by instructing the committee to report to-morrow.

Which was not agreed to, and Mr. Tulley's motion was agreed to.

Mr. Briggs, from the committee on the organization of courts of justice, submitted the following report.

MR. SPEAKER:

Your committee on the organization of courts of justice, to whom was referred House bill No. 109, introduced by Mr. Thompson, have had the same under consideration and have directed me to re-

port the same back to the House with the recommendation that said bill be indefinitely postponed.

Report concurred in.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred House bill No. 276, by Mr. Connaway, have had the same under consideration and have directed me to report the same back to the House with the recommendation that said bill be indefinitely postponed.

Report concurred in.

Mr. Briggs, from the committee on the organization of courts of justice, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred House bill No. 462, by Mr. Campbell, have had the same under consideration and have directed me to report the same back to the House with the recommendation that the same be indefinitely postponed.

Mr. Campbell moved that the report do lie on the table.

Which was not agreed to.

On concurring in the report, Messrs. Gordon and Watson demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carter, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Garrouette, Ginz, Handy, Hart, Hosmer, Huthsteiner, Johnston, Kester, Lehman, Messick, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Robeson, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer and Works—56.

Those who voted in the negative were: Messrs. Arnold of Wabash, Bearss, Blockley, Campbell, Carey, Connaway, Connor, Copeland, Cunningham, Donnell, Fancher, Galbraith, Gordon,

Herod, Hess, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Mitchell, Overmyer, Owen, Robinson, Taylor of Lagrange, Thornburg, Vawter, Watson and Mr. Speaker—29.

The report was concurred in.

Mr. Briggs, from the committee on the organization of courts of justice, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts of justice, to whom was referred House bill No. 371, by Mr. Handy, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill be indefinitely postponed.

Mr. Handy moved that the report and bill do lie on the table.

Which was agreed to.

Mr. Kester, from the committee on banks, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 519, have had the same under consideration and recommend that the bill be indefinitely postponed.

Which was concurred in.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 394, have considered the same and recommend that it be indefinitely postponed.

Report concurred in.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 484, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that the same be indefinitely postponed.

Which report was concurred in.



Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 382, have had the same under consideration and direct me to report it back, recommending that the bill be amended by striking out the word "*Proviso*," in line three, page 2, and all the remainder of said section, and that when so amended it do pass.

The bill as amended was ordered to be engrossed.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 314, have considered said bill and recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 418, have considered said bill, and they direct me to report it back, recommending that the bill be amended by striking out all of the first section, change the numbers of sections 2 and 3 to correspond with this amendment, and when so amended that it do pass.

Report concurred in, and the bill as amended ordered to be engrossed.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 491, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do pass.

Which was concurred in and the bill ordered engrossed.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 538, have duly considered said bill and they recommend that said bill be indefinitely postponed.

Report concurred in.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 429, have had the same under consideration and direct me to report it back to the House, with the recommendation that the same be indefinitely postponed, for the reason that its provisions are supplied by House bill No. 382, herewith reported.

Which was concurred in.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 437, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that the same shall be indefinitely postponed.

Which report was concurred in.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education begs leave to submit the following report in regard to Purdue University and the State Normal School:

The committee, on visiting these institutions, was cordially received by the officers and citizens, and every facility afforded for inspection.

The buildings of each of these institutions are in good repair, and bear evidence of careful attention and care.

The faculties of each of these institutions, and the students under their charge, seemed to be doing good and efficient work, and earnestly engaged in the great cause of education.

## PURDUE UNIVERSITY.

The building for college recitations and chapel services, for which there was an appropriation by the last General Assembly for finishing and furnishing, has been completed and the furniture put in, and is now a building of which the citizens of the State may well feel proud.

The committee recommends that \$2,000 be appropriated for the current expenses of the University.

That \$2,000 be appropriated for the school of agriculture and agricultural experiments.

That \$1,000 be appropriated for supplies, fixtures and apparatus in the school of mechanics and industrial art.

That \$1,000 be appropriated for practical work in horticulture.

That \$1,000 be appropriated for chemical, philosophical and engineering apparatus, fixtures and supplies.

That \$1,000 be appropriated for books and periodicals for library.

That \$1,000 be appropriated for cabinet fixtures and supplies.

Making a total for this institution of \$9,000.

## STATE NORMAL SCHOOL.

The buildings at this institution are in good repair, but the wood work needs repainting in order to preserve it. We would therefore recommend—

That \$500 be appropriated for painting the buildings and improving the grounds.

That \$500 be appropriated for books and periodicals for library.

That \$3,000 be appropriated for current expenses.

Making a total for this institution of \$4,000.

On motion of Mr. Handy, the report was received and laid on the table.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred the petition of the citizens of Washington township, Knox county, Indiana, have had the same under consideration, and while deploring the loss of the library, they deem it inexpedient to appropriate funds out of the State Treasury for this purpose under the present state of finan-



cial affairs, therefore the committee recommend that the petition be indefinitely postponed.

Report concurred in.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred the memorial of George Crawford, Aaron Wood, R. E. Ristine, Prof. Mills, John Collett, John Warnock, A. G. Standiford, Ebenezer Farewell, John Chartesworth, John P. Noble, M. K. Farrand and John F. Kendall, and a committee appointed by the Pioneer Association of Indiana at its annual meeting, held in this city October 2, 1878, asking an appropriation for the purpose of erecting a suitable monument to the memory of Hon. John Beard, deceased, has had the same under consideration, and while recognizing the invaluable services of Hon. John Beard in the cause of education, and while fully sympathizing with the sentiments of these aged and honored pioneers, we deem it inexpedient to take action thereon at the present session of the General Assembly, and therefore recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 302, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Miers, from the committee on education, submitted the following report.

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 408, have had the same under consideration and direct me to report it back to the House, recommending that the bill be amended by an additional section as follows:

Sec. 2. That section 43 of said act, as amended by an act approved March 8, 1873, be amended to read as follows:

Sec. 43. The compensation of county superintendent shall be fixed by the county commissioners: *Provided*, That he shall receive not less than three dollars per day for every day actually employed in the discharge of the duties required by this act. But before the county commissioners shall allow him his per diem, the same shall be presented in a bill of account, stating in separate items the nature and amount of service rendered on each day for which he claims compensation, which bill of account shall be verified by affidavits to the effect that each item thereof is just and true. The county auditor shall draw his warrant on the county treasurer for the amount allowed by the board in favor of said superintendent, and the treasurer shall pay said warrant out of the ordinary county revenues.

*Provided, however*, That the said board of commissioners shall have power to determine the number of days in each year in which the county superintendent may labor in the performance of the duties required of him in visiting schools. And,

*Provided further*, The number of days so allowed in each year for visiting schools shall not be less than the whole number of schools in each county over which such superintendent has control, and he shall receive no perquisites whatever.

And that when so amended the bill do pass.

Which report and bill was laid on the table for the present.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education respectfully submits the following report: By consent of the House, your committee visited the State University at Bloomington, made a cursory inspection of the buildings, apparatus, museum, library, etc., witnessed rhetorical exercises and class recitations by students in the preparatory and college classes. The buildings are in a good state of repair, and have sufficient capacity for the present wants of the university—although a fire-proof building for the protection of the valuable museum and library, whose destruction would be very undesirable, is much needed. The committee makes no recommendation on that subject.

The benefit of an excellent preparatory department are secured by an advantageous alliance with the Bloomington High School; the city furnishes the building, pays all the incidental expenses of the school, and all the salaries of teachers except that of the prin-

cial, who is employed and paid by the trustees of the university. His salary is \$1,200, at least one-third of which is paid by the incidental fee of \$3 per term, charged each non-resident student. This arrangement is very economical and in all respects satisfactory.

In the opinion of the committee, the president, Dr. Lemuel Moss, is a gentleman eminently qualified by his high character, executive ability, scholarship, culture and experience, for the important duties of that honorable position, and all the members of the faculty are capable, worthy, and efficient, and the university is doing good work in all departments.

Which report was laid on the table.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 287, have had the same under consideration and direct me to report it back to the House, with the recommendation that it lie on the table, for the reason that its provisions are supplied by House bill No. 408, herewith reported.

Which report was concurred in.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 361, have had the same under consideration, and direct me to report it back to the House with the recommendation that it lie on the table, for the reason that provisions are supplied by House bill No. 408, herewith reported.

Which report was concurred in.

Mr. Miers, from the committee on education submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 282, have had the same under consideration, and direct me to report the same back to the House with the recommendation that the same do lie on the table.

Which report was concurred in.



Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 51, report that they have considered the same and recommend that it do lie on the table.

Mr. Allen moved that the bill be recommitted to a special committee of five.

Mr. Osborn, of Elkhart, moved to amend the motion to commit to a special committee by adding that the committee be instructed, if they abolish the office of county superintendent, to provide a method of appeals from the school district, and supply the other provisions of the present law designed to give efficiency to the school system.

Which amendment was accepted.

Mr. Edwins moved to lay the motion of Mr. Allen on the table.

Messrs. Edwins and Fancher demanded the ayes and noes.

Pending the motion of Mr. Edwins, Mr. Willard moved to adjourn.

Which was agreed to.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## TUESDAY MORNING.

FEBRUARY 25, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by the Rev. Mr. Jones, of Brazil, Indiana.

The reading of the Journal was postponed until the afternoon session.

The motion of Mr. Allen, as amended by Mr. Osborn of Elkhart, pending at adjournment, the same was resumed.

Which motion as amended was agreed to.

The Speaker appointed the following committee: Messrs. Allen, Stucker, Humphreys, Copeland and Owen.

Mr. Humphreys was allowed to record his vote aye on House bill No. 58.

House Bill No. 408 was taken from the table and referred to a special committee.

On motion of Mr. Hubbard House bill No. 73 was taken from the table.

Mr. Hubbard offered the following amendment:

Amend section 10 by adding thereto the following: But no such inmates above the age of twenty-one years shall be retained in this institution.

Which amendment was adopted and the bill as amended ordered engrossed.

Mr. Flodder, from the committee on trust funds, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 529, have had the same under consideration and recommend that the bill be amended as follows: Strike out of the twelfth line in the first section the words "three years," and insert "one year," and when so amended that it do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. Flodder, from the committee on trust funds, submitted the following report:

MR. SPEAKER:

Your committee on trust funds, to whom was referred House bill No. 239, have had the same under consideration and direct me to report it back to the House with the recommendation that it be amended by striking out the word "numerous" in the first line of the first "whereas," and insert the word "many" in lieu thereof, and that when so amended that it do pass.

Which report was concurred in and the bill as amended was ordered engrossed.

Mr. Miers, from the committee on fees and salaries, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House bill No. 322, have had the the same under advisement and direct me to report the same back, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

Your committee to whom was referred House bill No. 22, entitled "An act providing for a homestead and exempting it from sale, etc., have had the same under consideration and direct me to report the bill back to the House and recommend the following amendments :

Strike out sections 7, 8, 9 and 10, and when the bill is so amended that it do pass.

Report was concurred in.

Mr. Overmyer offered the following amendment :

Amend section 1 of House bill No. 22, by adding the following proviso: "*Provided*, That the provisions of this act shall not apply to existing contracts."

Which was accepted.

Mr. Overmyer offered the following amendment :

Amend House bill No. 22, by striking out the words "the decree may be set aside or modified, or," and insert the words "shall be" after the word "execution," in section 4, lines — and —.

Which was accepted.

Mr. Shanks moved to reconsider the vote by which the report was concurred in.

Mr. Wimmer moved the previous question.

Which was seconded.

The question recurring on the motion of Mr. Shanks.

On the motion Messrs. Shanks and Humphreys demanded the ayes and noes.

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Bryant, Caldwell, Carey, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Hart, Hess, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Perry, Reichelderfer, Robeson, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Sleeth, Snoddy, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Vanpelt, Willard, Wimmer, Works and Mr. Speaker—61.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Jasper, Brown of Steuben, Campbell, Connaway, Connor, Copeland, Donnell, Edwins, English, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Rooker, Skinner, Stevens, Thayer, Tulley, Vawter and Watson—34.

The motion was agreed to.

The question being will the House concur in the report of the committee on House bill No. 22, Messrs. Shanks and Humphreys demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Campbell, Carter, Confer, Connaway, Connor, Copeland, Donnell, Edwins, English, Fancher, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Rooker, Shields, Skinner, Stevens, Thayer, Tulley, Vawter and Watson—34.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carey, Compton, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Hart, Hess, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Robeson, Saint, Scholl, Schweitzer, Shanks, Shauck, Sleeth, Snoddy, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thorn-

burg, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—60.

The motion was not agreed to.

Mr. March moved that the bill be committed to a select committee of five, with instructions to report to-morrow morning.

Which was agreed to.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has refused to concur in the amendments of the House of Representatives to Senate Bill No. 277—an act concerning interest on money—and recommend that a conference committee of the two houses be appointed to confer upon the subject, and that the President of the Senate has appointed on such committee on the part of the Senate, Senators Menzies and Caffey.

Mr. Willard moved that a committee of two be appointed to confer with a like committee of the Senate.

Which was agreed to.

Mr. Edwins moved that the special order be postponed until 2 o'clock P. M.

Which was agreed to.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 82, entitled "An act in relation to foreign express companies," etc., have had the same under consideration, and directed me to report the bill back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 86, entitled "An act to regulate the sale of substance

having the semblance of butter," has had the same under consideration, and directed me to report the bill back to the House with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 98, entitled "An act to prevent the running at large of stock," etc., have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 419, entitled "An act to legalize taxes for 1877, of the incorporation of the town of Elwood, in Madison county, Indiana, and the proceedings of the board of trustees for the year 1878," has had the same under consideration, and directed me to report the bill back with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 448, entitled "An act to amend an act to discourage the keeping of useless and sheep killing dogs," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Which report was not concurred in.

Mr. Johnston moved that the bill do lie on the table.

On the motion, Messrs. Briggs and Gordon demanded the ayes and noes.

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Carter, Confer, Conaway, Connor, Copeland, Davidson, Davis, Drake, English, Fancher, Faulkner, Garrouette, Ginz, Hart, Hopkins, Johnston, Kester, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Osborn of Elkhart, Overmyer, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulley, Vanpelt, Vawter and Works—57.

Those who voted in the negative were: Messrs. Barker, Briggs, Caldwell, Campbell, Carey, Compton, Cunningham, Dailey, Dalton, Donnell, Drover, Edwins, Flodder, Galbraith, Handy, Herod, Hess, Hubbard, Humphreys, Huthsteiner, Kelly, Miers, Nave, Osborn of Vermillion, Owen, Perry, Stucker, Thayer, VanValzah, Watson, Wimmer and Mr. Speaker—32.

The bill was laid on the table.

- Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 240, have considered the same and direct me to report the bill back, recommending that it be amended as follows: Strike out of the third line of the first section the words "being a traveler" and insert "being an officer in the performance of his duty," and that when the bill is so amended that it do pass.

Which report was concurred in.

Mr. Herod moved to strike out all after the enacting clause and insert House bill No. 94.

Which was not agreed to.

Mr. Johnston moved that House bill No. 240 be engrossed.

Mr. Drake offered the following amendment:

Amend by striking out the word "felony," where it occurs, and insert in lieu thereof the word "misdemeanor," and strike out that part that fixes a penalty and insert in lieu thereof the following penalty: That on conviction the party shall be fined in any sum not less than fifty dollars, to which may be added imprisonment in the county jail not less than thirty days.

Mr. Overmyer offered the following amendment to the amendment:

Amend the amendment so as to provide that in addition to the fine, imprisonment shall be added for not less than thirty days nor more than six months.

Which was accepted by Mr. Drake.

The question recurring on the motion to engross.

Messrs. Johnson and Faulkner demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Bryant, Caldwell, Copeland, Dalton, Davidson, Davis, Drover, Fancher, Faulkner, Flodder, Galbraith, Handy, Hart, Hess, Hopkins, Humphreys, Johnston, Kester, Kirkpatrick, Major, March, Messick, Miers, Osborn of Elkhart, Reed, Saint, Scholl, Stevens, Stucker, Vanpelt, Wimmer and Works—38.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Briggs, Brown of Steuben, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Donnell, Drake, Edwins, English, Garrouette, Gordon, Herod, Hubbard, Huthsteiner, Kelly, Lindley, Mitchell, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, VanValzah, Vawter, Watson, Willard and Mr. Speaker—53.

The House refused to order the bill to be engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 94, entitled "An act concerning the carrying of concealed weapons, etc.," have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do pass.

Mr. Gordon moved to lay the bill and report on the table.

Which was not agreed to.

The question recurring on concurring in the report of the committee.

The same was concurred in.

Mr. Faulkner submitted the following amendment:

Amend by requiring the applicant before any licenses shall be granted for carrying concealed weapons, he shall file with the auditor a bond in the sum of ten thousand dollars.

Mr. Sleeth moved to lay the amendment on the table.

Messrs. Faulkner and Vanpelt demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Flodder, Galbraith, Garrouette, Ginz, Hart, Herod, Hess, Hopkins, Hubbard, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, VanValzah, Willard, Wimmer, Works and Mr. Speaker—72.

Those who voted in the negative were: Messrs. Alden, Bryant, Confer, Copeland, Cunningham, Faulkner, Gordon, Handy, Humphreys, Huthsteiner, Johnston, Miers, Nave, Osborn of Elkhart, Perry, Stucker, Vanpelt, Vawter and Watson—19.

The motion was agreed to.

Mr. Reed submitted the following amendment:

I move to amend as follows: *Provided*, That no license shall be granted to a minor.

Which was not adopted.

On motion, the bill was ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:



MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 212, entitled an act describing certain misdemeanors, and prescribing punishment therefor," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 560, have had said bill under consideration and direct me to report it back recommending that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 291, entitled "An act to amend section 17 of an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain offices therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1875," have had the same under consideration and directed me to report the bill back to the House with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 162, have had the same under consideration and recommend that the bill be amended as follows:

By striking out the words "three hundred" in the eighth and eighteenth lines of section 1, and in lieu thereof insert "two hundred," and that after the bill is so amended it do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 147, entitled "An act to enable married women whose husbands are insane or incapacitated, to exercise the rights of resident householders having property exempted from execution or attachment," have had the same under consideration and directed me to report the bill back to the House with the recommendation that it do pass.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 137, entitled "An act relating to rights of married women," etc., have had the same under consideration, and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 115, entitled "an act to amend section 1 of an act entitled an act for the protection of the Sabbath and providing penalties for the desecration thereof, approved February 28, 1855," have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Edwins from the committee on rights and privileges submitted the following report.

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 157, entitled "An act to secure married women the avails of their skill and services," have had the same under consid-

eration and direct me to report the bill back to the House with the recommendation that it be referred to the committee on the judiciary.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 264, entitled "An act to provide for the security and payment of laboring men and mechanics," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 296, entitled "An act to fix the rate of travel on palace and sleeping cars," etc., have had the same under consideration and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 299, have had the same under consideration and direct me to report the same back to the House, with the recommendation that it be amended as follows: Strike out "state prison" in line twelve, section 1, and insert "county jail; strike out "ten years" in line thirteen, section 1, and insert "thirty days," and when so amended that the bill do pass.

Which report was concurred in and the bill as amended ordered to be engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:



MR. SPEAKER:

Your committee, to whom was referred House bill No. 193, have had the same under consideration and direct me to report the bill back, recommending that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 292, have had the same under consideration and direct me to report the bill back, recommending that it be indefinitely postponed.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 215, entitled "An act to prevent the transportation of hogs through public roads," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Which report was not concurred in and the bill laid on the table.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 278, entitled "An act to exempt five hundred dollars' worth of property from sale on execution," have considered the same and directed me to report the bill back to the House with the recommendation that it do lie upon the table.

Mr. Briggs moved that the report do lay on the table.

Which was agreed to.

Mr. Briggs moved that the bill be engrossed.

Mr. March moved to amend by referring to a special committee with House bill No. 22.

Which was agreed to.

Mr. Edwins, from the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

Your committee on rights and privileges, to whom was referred House bill No. 180, entitled "An act to prevent the destruction of baggage while being transported from one place to another," have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

Your committee on rights and privileges, to whom was referred House bill No. 226, entitled "An act to repeal an act for the incorporation and continuance of building, loan and saving associations," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

The Speaker appointed the following gentlemen as the conference committee: Messrs. Osborn of Elkhart and March.

Pending the consideration of the report on House bill No. 226, on motion of Mr. Taylor of Daviess, the House adjourned.

---

## AFTERNOON SESSION.

FEBRUARY 25, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The consideration of the report on House bill No. 226, pending at adjournment, the same was resumed.

Mr. Hess moved that the report of the committee on House bill No. 226 be received.

Which was agreed to.

Mr. Hess moved that the bill be indefinitely postponed.

Mr. Tulley moved to amend by laying the bill on the table.  
Which was agreed to.

Mr. Osborn moved that the special order be taken up.

Mr. Willard moved that the report do lay on the table and the bill be considered by sections.

Which was agreed to.

Mr. Miers submitted the following resolution :

*Resolved*, That when the House adjourns it do adjourn to 8 P. M., and that a night session be held for the purpose of receiving and acting on reports of committees.

Mr. Sleeth offered the following amendment:

Amend by including bills on second reading.

Which amendment was accepted.

Mr. Humphreys offered the following resolution :

*Resolved*, That the auditor of State be requested to report to the House the amounts due special judges for past services, and their names.

Which was adopted.

The following communication was received from the Treasurer of State :

*To the Honorable Henry S. Cauthorn,*

*Speaker of the House of Representatives :*

I have received the following resolution of the House :

*Resolved*, That the Treasurer of State be required to inform the House forthwith what balance of cash remained in the treasury on November 30, 1878, December 30, 1878, and January 31, 1879.

Also, what have been the receipts and disbursements since January 31, 1879, and what the balance of cash in the treasury now is, and in response thereto submit the following report:

Cash in treasury, November 30, 1878.....	\$559,954	11
Cash in treasury, December 31, 1878.....	1,359,552	33
Cash in treasury, January 31, 1879.....	690,810	96
Disbursements during February.....	\$90,609	98
Receipts during February.....	23,635	47
		<hr/>
	\$67,034	51
Balance this day.....	\$623,776	45

Respectfully,

February 25, 1879.

W. FLEMING.

Which was referred to the committee on ways and means.



## SPECIAL ORDER.

House bill No. 344, was taken up and considered by sections.

Mr. Miers moved that the action of the House in considering House bill No. 344 by sections, be reconsidered.

Mr. Owen moved that the motion of Mr. Miers lay on the table. Which was agreed to.

Mr. Johnson offered the following amendment:

Amend the first line in section 2 by striking out the word "five" and inserting the word "four."

Mr. Shanks offered the following amendment to the amendment:

Strike out of line one, in section 2, the word "four" and insert the word "three" in place thereof.

On the adoption of the amendment to the amendment, Messrs. Shanks and Carey demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Barker, Briggs, Brown of Steuben, Carey, Compton, Edwins, Handy, Humphreys, Lindley, March, Perry, Scholl, Shanks and Thayer—17.

Those who voted in the negative were: Messrs. Allen, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Bryant, Caldwell, Campbell, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Harland, Hart, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tülley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—76.

The amendment was not agreed to.

The question recurring on the amendment of Mr. Johnston.

Messrs. Johnston and Humphreys demanded the ayes and noes. The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Carey, Compton, Confer, Connaway, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Galbraith, Garrouette, Handy, Harland, Hart, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lindley, Major, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Saint, Scholl, Shanks, Shauck, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, Vawter, Wimmer, Works and Mr. Speaker—62.

Those who voted in the negative were: Messrs. Baker, Bearss, Bryant, Caldwell, Carter, Connor, Copeland, Cunningham, Dalton, Drake, English, Faulkner, Ginz, Gordon, Hess, Hopkins, Hosmer, Kirkpatrick, Lehman, Messick, Miers, Nave, Reed, Reichelderfer, Robeson, Robinson, Rodman, Sleeth, Tulley, VanValzah, Watson and Willard—31.

The amendment was agreed to.

Mr. Edwins offered the following amendment:

Amend line 2, section 2, so that the words "fifteen hundred" be stricken out and the words "one thousand" inserted in lieu thereof.

Mr. Barker offered the following amendment to the amendment:

Amend by striking out, in line two, the words "one thousand," and insert the words "twelve hundred."

Mr. Johnston moved to lay both the amendment and amendment to the amendment on the table.

On which motion, Messrs. Van Valzah and Edwins demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Compton, Confer, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, English, Faulkner, Flodder, Garrouette, Ginz, Gordon, Harland, Hart, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Rob-

inson, Rodman, Rooker, Saint, Scholl, Skinner, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulléy, Vanpelt, Van Valzah, Watson, Willard, Wimmer, Works and Mr. Speaker—69.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Carey, Carter, Conaway, Copeland, Edwins, Fancher, Galbraith, Handy, Hopkins, Lindley, March, Messick, Osborn of Elkhart, Perry, Shanks, Shauck, Stevens, Stucker, Thayer and Vawter—25.

The amendment and amendment to the amendment were laid on the table.

Mr. Osborn of Elkhart, offered the following amendment:

Amend by striking out "\$1500" and insert "\$1250."

Mr. Dalton offered the following amendment to the amendment:

Amend by striking out "\$1250," in line two, section 2, and insert "\$1800."

Mr. Tulley moved that both amendments do lie on the table.

Which was agreed to.

Mr. Barker offered the following amendment:

Amend by striking out in line two of section 2, the word "fifteen" and insert "thirteen."

Mr. Osborn moved that the amendment do lie on the table.

Which was agreed to.

Mr. Reed offered the following amendment:

Strike out "\$1500" and insert "\$2,000."

Mr. Baker moved that the amendment do lie on the table.

Which was agreed to.

Mr. Faulkner offered the following amendment:

Strike out lines four and five of section 3.

Which was not adopted.

Mr. Johnston offered the following amendment:

Amend section 3 by striking out "2,000" and inserting "1,500."

Mr. Nave moved to lay the amendment on the table.

Which was agreed to.

Mr. Lehman offered the following amendment:

Strike out of line 3, "1,000" and insert "1,250."

Which was not adopted.



Mr. Works offered the following amendment:

Amend section 4 by striking out lines one, two, three, four, five and six, and insert in lieu thereof the following:

Section 4. The following fees shall be charged by the Secretary of State for the use of the State, and the same shall be paid into the State treasury when collected:

For each certificate and seal..... 50 cents.

For each commission issued to any officer to whom a commission is required by law to be issued..... \$1 00

For each attestation and seal..... 50 cents.

On the adoption of the amendment of Mr. Works, Messrs. Works and Carey demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Confer, Conaway, Connor, Dailey, Davis, Donnell, Drover, Fancher, Faulkner, Galbraith, Gordon, Harland, Hart, Hopkins, Hubbard, Johnston, Kelly, Lindley, Major, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Robeson, Robinson, Rodman, Rooker, Saint, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer, Works and Mr. Speaker—56.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Bearss, Bryant, Compton, Copeland, Cunningham, Dalton, Davidson, Drake, Edwins, English, Flodder, Garrouette, Ginz, Handy, Hess, Hosmer, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Messick, Miers, Nave, Perry, Reed, Reichelderfer, Scholl, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah and Willard—40.

The amendment was agreed to.

Mr. Willard offered the following amendment:

Amend section 3 by striking out “\$2,000” and inserting “\$2,500.”

Mr. Dailey offered the following amendment to the amendment:

Amend by striking out \$2,500 and insert \$3,000 in section 3.

On the adoption of Mr. Dailey’s amendment, Messrs. Osborn of Elkhart and Stucker demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Bearss, Briggs, Caldwell, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Donnell, English, Fancher, Flodder, Garroutte, Ginz, Gordon, Harland, Hosmer, Huthsteiner, Kirkpatrick, Lehman, Miers, Nave, Osborn of Elkhart, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Shields, Sleeth, Taylor of Daviess, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—40.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Carter, Davidson, Davis, Drake, Drover, Edwins, Faulkner, Galbraith, Handy, Hart, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Lindley, Major, March, Messick, Mitchell, Osborn of Vermillion, Overmyer, Perry, Robeson, Saint, Schweitzer, Shanks, Shauck, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—53.

The amendment was not adopted.

The question recurring on the adoption of Mr. Willard's amendment.

The same was adopted.

Mr. Faulkner offered the following amendment:

Amend by adding the following to section 5: "And the Auditor of State shall pay into the State treasury all fees and charges which are now or may hereafter be required by him to be paid to him by foreign insurance companies."

Which was not adopted.

Mr. Works offered the following amendment:

Amend section 5 by striking out of line one, "1,500," and inserting "2,500," and by adding after the words "per annum," in lines 1 and 2, the words, "and all fees or commissions allowed such Auditor by any statutes now in force shall be collected by him as required by law for the use of the State and paid into the State treasury."

Mr. Gordon offered the following amendment to the amendment:

Amend the amendment by striking out "2,500" and insert "4,000."

On the adoption of the amendment of Mr. Gordon, Messrs. Gordon and Van Valzah demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Barker, Bearss, Blockley, Briggs, Caldwell, Compton, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Donnell, Drake, Drover, English, Fancher, Flodder, Ginz, Gordon, Hopkins, Hosmer, Kes-ter, Kirkpatrick, Miers, Osborn of Elkhart, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shields, Sleeth, Taylor of Daviess, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—43.

Those who voted in the negative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Barker, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Carter, Confer, Davidson, Davis, Edwins, Faulkner, Galbraith, Garrouette, Handy, Hart, Hess, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Lehman, Lindley, Major, March, Messick, Mitchell, Nave, Osborn of Vermillion, Overmyer, Perry, Robeson, Saint, Shanks, Shauck, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of War-riek, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—51.

The amendment was not adopted.

Mr. Sleeth moved that the special order be suspended for the present, for the purpose of hearing the ladies of the Womans' Suffrage Society.

The Speaker appointed a committee to wait upon the Senate and inform them that the House was now ready to hear the memorial and address of the ladies.

Messrs. Tulley and Lindley were appointed as such committee.

Mr. Hubbard offered the following resolution:

*Resolved*, That having heard the unanswerable arguments of the women who have to-day presented their claims to equal suffrage with deep humiliation and a burning sense of shame for long neglected duty, we do now pledge our honor, our influence and our votes that we will enact such laws as will give them equal rights as citizens with ourselves.

Mr. VanValzah moved to refer the resolution to the committee on rights and privileges.

Which was agreed to.



Mr. Taylor of Daviess submitted the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire into and report upon the expediency of conferring the right of suffrage upon the women of the State of Indiana of the age of twenty-one years or more.

Which was adopted.

Mr. March submitted the following resolutions:

*Resolved*, That the thanks of the House are due to the ladies who have addressed it this afternoon; that by the knowledge, the logic and eloquence displayed they have proven that the women of Indiana are abundantly qualified to discharge all the duties which the exercise of the right of suffrage imposes, and worthy to receive and enjoy all the blessings which it bestows.

*Resolved*, That the experiment of a free democratic government of all the people, by all the people, for all the people, can never be fully and fairly tried until the right of suffrage with all its privileges is equally exercised by men and by women.

Mr. English moved to refer the resolution to the committee on rights and privileges.

Mr. Willard moved to lay the motion of Mr. English on the table.

Which was agreed to.

The question recurring on Mr. March's resolution.

The same was adopted.

Mr. Willard moved to reconsider the vote of the House, calling for a night session to-night.

Which was agreed to.

On motion of Mr. Willard the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## WEDNESDAY MORNING.

FEBRUARY 26, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The Journal of Monday was read in part when, on motion of Mr. Faulkner, the further reading of the journal was dispensed with.

The Journal of yesterday was read in part, when, on motion of Mr. Lehman, the further reading was dispensed with.

The Speaker appointed the following special committees:

Homestead Committee—Messrs. March, Tulley, Allen, Johnston and Connor.

Conference Committee—Messrs. Osborn of Elkhart and March.

Mr. Gordon moved that the rules be suspended so that the committee on State House investigation may report.

Which was agreed to.

Mr. Herod, from the committee on State House investigation, submitted the following majority report:

MR. SPEAKER:

The undersigned, members of the committee to whom was referred the following resolution, viz:

“WHEREAS, There have been grave charges made that the plan of the new State House was decided upon unjustly, and that the contract for the construction of the said building was let against the interests of the State; and,

“WHEREAS, Thousands of people in this State are of the opinion that these charges should be investigated to protect the good name of the State and the character of the State House Commissioners, if they have faithfully performed their duty; and,

“WHEREAS, The people of this State of all political parties are interested in ascertaining the real truth in reference to the adoption of the plan and the letting of the contract for said building; and,

“WHEREAS, This Legislature will be called upon to make appropriations for continuing the work upon the said building, and should be fully informed in regard to all matters appertaining thereunto; therefore,

“*Resolved*, That a select committee of seven, composed of all political parties, be appointed by the Speaker, which shall be charged with the duty of inquiring into the said charges in reference to the adoption of the plans for the new State House, and the letting of the contract for the same, and into the responsibility of the contractors who have undertaken to build said State House, and the sufficiency of their bonds, and to ascertain whether under said contract said new State House can be built within the amount provided by law for the erection of said building; and for these purposes said committee shall have power to send for persons and papers, to examine witnesses under oath, to hear testimony and receive and publish depositions, and shall have leave to report at any time, by bill or otherwise;” have had the same under consideration, and would respectfully report as follows:

That the committee invited any and all persons having cause of complaint of any action upon the part of the Board of State House Commissioners to present the same in the shape of formal charges; that in response thereto charges and specifications were presented which, as finally amended, are as follows:

“The undersigned, Thomas J. Vater, a bona fide resident of the State of Indiana, complains, charges and avers against James D. Williams, John Love, Thomas A. Morris, I. D. G. Nelson and John M. Collett, constituting the Board of State House Commissioners, and, complaining, have to say:

“1. That the said board of commissioners were duly appointed and qualified to act under and by virtue of an act of the Legislature of the State of Indiana providing for the organization of such board, and defining its powers and duties. That in pursuance of the authority vested in them by said act they proceeded to perform the duties imposed thereby, advertised for proposals for the erection of a suitable State House building according to certain general instructions, which they furnished those persons who signified their intention to compete for said plans and specifications. That in order, as was alleged, to prevent any undue influence and secure perfect fairness in competition, all the authors of plans submitted were kept secret from said board, the plans being designated by some motto. That there were twenty-four different plans submitted to said



board for the erection of said building. That one of said plans was submitted by Edwin May, Esq., of the city of Indianapolis, county of Marion, State of Indiana. That said May is personally known to several of the members of said board. That a number of days before the time the award was made, and while there was a pretended secrecy in regard to the names of the competing architects, the names of all and the plans submitted by each appeared in the public prints of the day, and were read by said commissioners, or some of them. That the plans submitted by said architect May were imperfect and insufficient in essential and material particulars. That the walls and partitions were insecure and of insufficient strength; that the building was ungainly in appearance, and not "in keeping with the dignity of the State;" that in respect to permanence and convenience, it was imperfect and not in accordance with the requirements of the commissioners, as set forth in their instructions, furnished each of the competing architects; that said commissioners, well knowing which of said plans had been submitted by Edwin May, and desiring to favor him and advance his interests by the acceptance and adoption thereof, and well knowing that the plan submitted by said May was in essential particulars deficient and imperfect, ordered and required the expert architect, J. K. Wilson, Esq., to so change the said plans that they would be acceptable and suitable for the purposes for which they were intended; that in compliance with said order from said board said expert architect took the said May plans and altered them in essential and material particulars, to-wit: The building was made more solid and impressive in the exterior. The form and character of the steps leading up to the entrance were so changed as to obtain security and strength. The sub-basement was dispensed with, the whole structure lifted some fifteen to twenty feet above its original position. The corridors were changed in size, and columns introduced, forming colonnades. The dome was so extended as to make it secure. Skylights were added, so as to admit light into the hall and corridors. The foundation, interior and exterior walls were increased in thickness to give the necessary strength. That the fire-proofing of the floors was changed from the fire-proof or terra cotta block to brick arches between the iron beams. That the strength of iron beams was increased in order to render them more secure. That other and various material changes were made in said plans, to so perfect them that they were suitable and proper for guides in the construction of said building, in the

estimation of said board, which can not be specifically alleged without a comparison of the first original plans and those as finally adopted. That after said changes and alterations were made so that in the estimation of said board the plans were suitable, the said May received the award. The complainant charges and avers that said original plan as submitted was imperfect and insufficient, and in some parts so insecure as to be dangerous, necessitating the changes above alluded to in order to make it sufficiently secure.

"2. That as evidence of the bad faith and unfairness of said board, it is charged by the complainant that one Charles Eppinghausen submitted to said board, by letter, a proposition that, if in his plans there were any defects, he would bear the expense of any changes which the board might desire made therein, which proposal the said board rejected, with the statement that they had no power to make any changes in the plans submitted by competing architects.

"3. As further evidence of the bad faith and unfairness of said board in relation to said competition, it is charged by said complainant that said board wholly failed to have proper estimates made of the various plans and specifications submitted.

"4. That a careful estimate by experts of the present plans adopted by said board will show that they are insufficient and imperfect. That the estimates are so indefinitely made that there is latitude for great and unjust speculation by the use of improper and insufficient materials.

"5. That as further evidence of their bad faith and unfairness, it is charged by complainant that disregarding their legally imposed duty, they failed to submit the plans for critical examination to the experts appointed for that purpose, but relied wholly upon the opinion and judgment of one of said experts, to-wit: J. K. Wilson, and ignoring the services of the expert builder and engineer, who were ready at any time to render such service upon request.

"6. That in order to perfect the said May plan and render it passable, the said expert architect, Wilson, adopted, from the various plans submitted, such essential and minor points of merit as were necessary to complete and perfect the plan aforesaid.

"7. That said May plan was, before its adoption, and is now, inferior in every particular of permanence, elegance and convenience, to many of those submitted to the board, and does not correspond in material points to the requirements of law, which can be shown by reference thereto.

"8. That the complainant believes that one of the commissioners, to-wit, John Love, has charged and received pay on sworn vouchers for services never rendered, believed to be some time between the 1st day of May and the 1st day of June, A. D. 1878.

"9. That said board, further disregarding their duty, and to suppress competition, reserved certain portions of the necessary work, alleging that they intended at some subsequent time to let the said work in a separate contract, and instructing competitors to allow certain sums in their estimates for this reserved portion of the work of construction. The board instructed contractors to allow \$50,000 for steam heating apparatus, claiming that work reserved from competition. That one of the bidders, to-wit, the Walworth Manufacturing Company, notwithstanding said instructions, proposed to do said work for \$45,000, and said board awarded them the contract; that if said board had not instructed competitors that said items were not in the list of competition, there would have been lower bids for the same work.

"10. That said complainant charges that by other and various means and pretenses the said board operated in the interest of said May, having predetermined that his plan should be adopted. That by such unjust and unfair preference and suppression of competition the said board has acted against the best interest of the State, wherefore the complainant says that all of such matters should be fully investigated, and so he prays.

"THOMAS J. VATER."

That the following answer, under oath thereto, was filed in behalf of the Board of State House Commissioners, viz:

"Come now said respondents, to-wit: James D. Williams, John Love, Thomas A. Morris, Isaac D. G. Nelson and John Collett, the members of said Board of State House Commissioners, and for answer in their behalf herein to the charges preferred, say:

"That they deny severally and specifically all charges of corruption, dishonesty, collusion, conspiracy, failure to perform duty, or improper discharge of duty on their part, whether directly made or charged by indirection or implication; and further and more particularly answering the said several allegations in said charges and specifications, if such they be, in their order, they say that they admit that they were appointed and qualified and entered upon the discharge of their duties, as is alleged; that there were twenty-four different plans submitted to said board in response to advertise-



ments made therefor; that they were designated severally by different mottoes; that the purpose thereof was that the authors of the said several plans should be unknown to the members of the board; that the sealed letters containing the names of the authors of the different plans, transmitted with the plans for the purpose of subsequent identification, were placed in the possession and entrusted to the custody of the secretary, a sworn officer of the board, unopened; that the contents of such letters were never inspected nor seen by the board, nor any member thereof, until after the plan chosen had been formally adopted, nor had they any knowledge thereof. They further say that before the adoption of a plan, publications were made in the newspapers purporting to give the names of some of the authors of the different plans, but the respondents had no knowledge of the correctness or incorrectness thereof until after such adoption, nor had they any means of obtaining such knowledge, nor did they, or either of them, ever desire or attempt to obtain such knowledge. The plan finally adopted was found to have been submitted by Edwin May; it was so adopted by the board because, after the most patient and exhaustive examination of all the plans submitted, in the opinion of the board, it was found to be the most meritorious of such plans, and that the building could be "constructed within the limits of \$2,000,000, be suitable in respect to permanence and convenience, adapted to all the purposes and aims of a State House building, and in keeping with the dignity of the State;" and they deny that said plan is either imperfect or insufficient in any essential particular. They further say that said plan was so adopted, as aforesaid, honestly and fairly, and without any desire or intention to favor Edwin May or any other person.

"Further answering they say, that they did not order nor direct the said expert, J. K. Wilson, to change or alter the said plan submitted by said May, and he never did so alter or change such plans. They say, however, that after determining that said plan was the most meritorious and should be adopted, they did deem certain minor changes—not affecting the general design—in the interest of economy, convenience and comfort, and for a better distribution of material, wherever found excessive, should be made; and before contracting with said May he was required to give his consent to such changes, then and thereafter to be made. They further say that none of said changes were adopted, borrowed or taken from any competing plan.

“And further answering the several averments in said second specification, they say that said Epinghausen, together with other competing architects, did offer to submit to change in their plans, but these respondents aver that this was before a choice had been made of any plan, and they had no right, authority nor power to ask for nor accept any changes until after the most meritorious plan of those submitted had been chosen, for to have adopted such course would have been practically to reopen the competition for plans.

“And further answering the matters contained in said third specifications, respondents say that they deny all the averments therein contained, and on the contrary thereof say that they did cause such estimates of the plans and specifications submitted to be made as in their opinion were proper, necessary and in accordance with law.

“And in answer more particularly to said fourth specification, they deny all the allegations therein contained, and say that the same will fully appear to be unfounded in fact by an examination of said plans and specifications.

“And further answering said fifth specification, respondents say that they deny all the allegations therein made ; and say that on the contrary thereof all of said plans and specifications were submitted to and in the possession of all said experts for more than two months.

“And as to said sixth specification, they deny all the allegations therein contained, and for more specific answer thereto refer to the matters hereinbefore contained and set forth.

“And for further answer to said seventh specification, which avers that said May plan was and is inferior to other plans submitted to the board, respondents say that they deny the same ; that the determination of that question was by law submitted to them as a board ; that they have acted upon and determined the same honestly and fairly in their official capacity, and have since had no cause to change their views, nor do they believe that any facts exist that would cause them to change such determination.

“And said respondent John Love, answering for himself the separate charge made against him contained in said eighth specification, says that he never at any time or in any manner, directly nor indirectly, either charged or received any pay upon any voucher or otherwise for services not rendered or to which he was not justly and legally entitled. And each of said other respondents separately for himself says that he believes said answer above made by said Love to be true.

“And said respondents, further answering said ninth specification, say that they admit that in the letting of the contract for building they reserved a portion, to-wit: The steam heating apparatus, etc., for separate contract; that this course was pursued at the suggestion of bidders, and was believed to be the best course to be pursued, and in this connection they refer to their recent report to the governor, which states the facts in this behalf truly; and they deny any disregard of duty or any desire or attempt to suppress competition, or that they did so suppress it, and any and all improper action charged upon them in said specification.

“And, as to the general, vague and indefinite matters charged in the tenth specification, these respondents deny specifically each and every one therein made.

“And said respondents further say with reference to the charges made in this proceeding separately against Edwin May and J. K. Wilson, which have been submitted to them, that these respondents have not, nor has either of them, any knowledge, information or belief of the truth of any of said charges, but they do deny that either of said persons has with the knowledge, procurement, connivance or consent of these respondents, or either of them, been guilty of any corrupt, dishonest or improper conduct in this matter.

“And these respondents pray that this honorable committee shall so conduct this investigation as that it shall be speedy, full and complete, and the real facts and truth in the premises be made apparent; this they ask in justice to themselves and in vindication of their conduct and character.

“JAMES D. WILLIAMS.

“JOHN LOVE.

“T. A. MORRIS.

“I. D. G. NELSON.

“JOHN COLLETT.

“Coombs, Morris & Bell, attorneys for respondents.

---

“STATE OF INDIANA, MARION COUNTY, ss.

“James D. Williams, John Love, Thomas A. Morris, I. D. G. Nelson and John Collett, being duly sworn, each on his separate oath says that the matter and facts set forth in the foregoing answer by him subscribed, are true, all and singular.

“JAMES D. WILLIAMS.

“JOHN LOVE.

“T. A. MORRIS.

“I. D. G. NELSON.

“JOHN COLLETT.



"Subscribed and sworn to before me, a notary public within and for said county and State, this 12th day of February, 1879.

"WILL. A. HUGHES, Notary Public."

Your committee then proceeded to hear evidence in support of the charges and in answer thereto, both the complainant and the respondents being represented by counsel. A large number of witnesses were examined and a mass of documentary evidence introduced, and the plans, drawings, specifications and estimates for the new State House carefully examined, together with the contracts and bonds of the architect, builders and contractors, and the whole action of the Board of State House Commissioners from its organization up to the present time inquired into and reviewed by the committee. All papers, documents and records in the possession of the board were submitted for examination, both to the complainant and the committee.

The undersigned would further report that they find from the evidence and all the facts disclosed by their examination, that not one of the charges preferred against the Board of State House Commissioners, or any of the members thereof, has been sustained or is true in point of fact; that no corruption, dishonesty, collusion, conspiracy, failure to perform duty, or improper discharge of duty upon the part of the board, or any member thereof, is shown or found to exist.

That the board of commissioners, after calling to their aid an expert architect, an expert engineer and an expert builder, proceeded, according to the law, to carefully, critically and patiently examine all the plans—twenty-four in number—that were submitted to them for competition, together with the specifications and estimates accompanying the same; that such examination occupied a period of over three months; that the board by means of such examination by them personally made, aided by the experts, finally, on the 22d day of March, 1878, adopted the plan designated "Lucidus Ordo," found to have been submitted by Edwin May, architect, of Indianapolis, as the most meritorious of all the plans submitted.

We further find and report that the building contemplated in said plan, when so adopted, could be constructed within the limits of two millions of dollars; was suitable in respect to permanence and convenience, adapted to all the purposes and aims of a State House building, and in keeping with the dignity of the State, and that the materials in the construction thereof were in kind, quantity, and

quality such as to insure stability and permanence, and said building was in all respects such as contemplated by the law; that said plan was so chosen and adopted by the board honestly, fairly, in good faith, and without any purpose to favor said May or any other person, but having in view only the interests of the State and a faithful discharge of official duty.

We further find and report that, after the adoption of said plan as aforesaid, the board, upon further examination and investigation found, that while said plan was the most meritorious and in all essential respects sufficient, that certain minor changes, not affecting the general design of the building, in the interest of economy, convenience and comfort could be made; that they, with the consent of the architect, directed the same to be made; that such changes consisted, principally, in removing from rooms and corridors a number of water-closets, and grouping the same in other parts of the building; in economizing space occupied by corridors not needed after the change of said closets; in dispensing with certain stairways; in removing a portico from the Washington street to the Tennessee street front, and in dispensing with the sub-basement, and applying the cost thereof to increasing the height of the building above the surface, and in certain minor changes in walls, rooms, etc., rendered necessary by these improvements.

And we further find and report that these changes did not affect the general design or character of the building; that they were in the interest of economy, comfort and convenience; that they resulted in a saving to the State of a large sum of money, to-wit, the net sum of over \$50,000, and that we approve all said changes.

We further report that we have carefully examined the contract and bonds of the architect, the contract and bonds of Messrs. Kammacher & Denig, the builders, and the contract and bond of the Walworth Manufacturing company for steam-heating and ventilation, and that we find them all in proper form, carefully guarded and legally sufficient. The plans and specifications which are referred to and made a part of these contracts, are carefully drawn, full, complete, and entirely up to the requirements of the law, and provide for every possible contingency. In the case of the architect and builders, any needed improvements directed by the Legislature or the board hereafter to be made are provided for, and will not affect the validity of the bonds or contracts; but in no case can the limit of cost provided by law be exceeded.

By the contract for heating and ventilating the temperature of seventy degrees Fahrenheit is to be maintained in the coldest weather, and an entire change of air in every room of the building is required to take place at least once in every forty minutes. A test of its practical operation is to take place for one year before finally accepting the work.

We have also examined the records, books and accounts of the board and find them well kept and properly systematized.

We further find that since the letting of the contract, under the direction of the Board, the necessary excavations for the new State House have been made, and the concrete for the foundations been mainly put in, together with a portion of the footing stones; the entire estimate for concrete was about \$26,000. Concrete to about \$25,000 has been put in. Cement for this was procured upon terms very advantageous to the State. In making the excavations an excellent foundation of sand and gravel was found. Besides this, sufficient sand has been obtained from these excavations for use in the building, to more than pay the expense of the excavating.

The board has carefully inspected the products of the different stone quarries of the State, in their natural beds, and found a supply adequate, and the quality excellent—not surpassed, if equalled, west of the Alleghanies—and so located, at different places and upon different lines of railroad, that no monopoly thereof can be maintained, thus obtaining the sharpest competition for the benefit of the State.

We further find and report that a full examination of all the facts involved, has shown that each and every member of the board has acted, at all times, in the discharge of his high official trust, with the utmost fidelity and integrity, and with the sole object of doing his whole duty, fearlessly and faithfully subserving the best interests of the people and the State. They come out of this ordeal with not even so much as the “smell of fire upon their garments.” No motive for improper conduct has been ever charged, much less shown to exist. The full facts disclosed do not even furnish a basis for the slightest suspicion of misconduct or failure to perform duty upon their part. In short, their whole action in the premises has been such, as, from the well-established character for integrity and high standing of each member of the board, the people of Indiana have the right to confidently expect.

It is to be regretted that men whose lives and public services have fairly earned for them the elevated position which these commissioners occupy in the estimation of the public should ever be form-



ally assailed, with no better foundation for such assault than mere rumors and charges without basis of truth, set afloat by disappointed and irresponsible persons, for personal and selfish ends, while at the same time and by the same means the progress of a great and much needed public enterprise may be retarded and its success hazarded.

We further find and report, from the facts developed by this investigation and the evidence therein heard, the contemplated State House, as now contracted, is sufficient in every material respect, complies with the requirements of the law and can, without doubt, be built for less than two millions of dollars, if the work shall be prosecuted with reasonable promptness and alacrity.

All of which is respectfully submitted.

Mr. Willard, from the committee on State House investigation, submitted the following minority report:

*To the House of Representatives :*

Your committee on investigation of the affairs of the new State House, formed under resolution of Mr. Willard, of Floyd, having had the affairs committed to them for investigation under consideration, a minority thereof beg leave to report as follows:

That they have had an exhaustive examination in regard to the subjects set forth in the resolution, and that the evidence adduced is complete, and ought to be printed for the information of the House.

A minority of your committee report that the evidence does not sustain the charge of fraud upon any of the commissioners in regard to the selection of a plan for the new State House.

That the plan selected, at the time of selection, was imperfect, and without subsequent changes it would not have been well-fitted for a State capitol; and this is evidenced by the fact that the following changes have been made from the original plan, viz:

That in the strength and thickness of all the exterior and interior walls; the strength of the floors and construction of the roof; the strength and size of the dome and the arrangement of all the rooms changed throughout in shapes and sizes; changes of main corridors; changes in stairways; private water-closets omitted; accesses to basement omitted; seven vaults omitted and cross-corridors extended, cutting departments in two; elevators changed in position and size; circular stairways taken out of dome; fire-proof blocks dispensed with and brick arches substituted in the fire-proof construction of the plans; the building is elevated, and the ceilings of the House of Representatives and Senate Chamber changed;

galleries changed in size; the ventilating flues changed in number, also the heating flues; rooms changed in position throughout, and some seven rooms omitted, and in the second and third floors no two rooms within sixty-eight feet of their former location; brick walls are substituted for iron stud partitions; ceilings are corrugated instead of flat; the exterior of the building raised eight feet, and the entire exterior changed; sub-basement dispensed with; the dome and elevation raised, also raised pilasters introduced in the intermediates; the corner pavilions elevated and enriched, and changed in form; the sky-lights elevated and made a feature of the plan or building; the portico on the Washington street front has been transferred to the center of Market street, also stairway to the second story dispensed with; a portico has been added on the east front.

These changes show to me that the building now being erected is, in many respects, a different one from the one originally adopted.

That the adoption of this plan, and changes afterwards, and the preparation, by the expert architect Wilson, of designs taken from other plans, and the insertion of the features of other plans in the present working plans show, that the method adopted by the board although perhaps adopted in good faith, was extremely unfair towards competing architects who had entered into the competition.

That the evidence of the experts introduced tends to show that the building can be completed within the sum of two million dollars, provided by law; but no detailed estimates have been shown to prove that the limit of two million dollars will not be exceeded.

That the bonds and contracts with the architect and contractors have been drawn with such looseness as to render it a very doubtful question whether the bonds could be enforced against the sureties in case of failure of either the architect or the contractors to fulfill their contracts.

The greater portion of the testimony goes to show that the building can not be built, that is, can not be safely erected, in less than seven years.

All of which is respectfully submitted.

JAMES H. WILLARD, Chairman.

I concur with Mr. Willard in what he says about the charges of fraud made against the Board of State House Commissioners not having been sustained.

I also concur with him in the main in regard to what he says about the May plan and the changes made therein.

As to the length of time required to complete the building, and do the work well, the evidence is conflicting. The range of the evidence is from three and a half to seven years.

The bonds and contracts seem to me to be sufficient in form, but no evidence was presented as to the solvency of the sureties on said bonds.

JOHN OVERMYER.

Mr. English moved that the minority reports do lie on the table.

On the motion, Messrs. Overmyer and Lehman demand the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connor, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Hart, Herod, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kirkpatrick, Lehman, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Robeson, Robinson, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Skinner, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thompson, Tulley, Vanpelt, VanValzah, Watson, Works and Mr. Speaker—63.

Those who voted in the negative were: Messrs. Allen, Arnold of Wabash, Baker, Bearss, Brown of Steuben, Carter, Connaway, Cunningham, Donnell, Fancher, Harland, Hopkins, Kelly, Kester, Lindley, Major, March, Messick, Miers, Mitchell, Overmyer, Owen, Rodman, Scholl, Snoddy, Taylor of Warrick, Thayer, Thornburg, Vawter, Willard and Wimmer—31.

The motion was agreed to.

Mr. Works moved that the majority report do lie on the table.

On the motion, Messrs. Overmyer and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Brown of Jasper, Carey, Carter, Connaway, Connor, Cunningham, Donnell, Harland, Hess, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Osborn of Vermillion, Overmyer,



Owen, Reed, Rodman, Shanks, Skinner, Snoddy, Stucker, Thayer, Thornburg, Vawter, Willard, Wimmer and Works—39.

Those who voted in the negative were: Messrs. Alden, Baker, Briggs, Brown of Steuben, Caldwell, Campbell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Lehman, Miers, Nave, Osborn of Elkhart, Perry, Reichelderfer, Robeson, Robinson, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Watson and Mr. Speaker—55.

The motion was not agreed to.

The question recurring on the adoption of the majority report.

Messrs. Overmyer and Lehman demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connor, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kirkpatrick, Lehman, Lindley, March, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Watson, Wimmer and Mr. Speaker—71.

Those who voted in the negative were: Messrs. Arnold of Wabash, Barker, Blockley, Brown of Steuben, Carter, Connaway, Cunningham, Donnell, Harland, Kelly, Kester, Major, Messick, Miers, Mitchell, Overmyer, Owen, Skinner, Snoddy, Thayer, Thornburg, Vawter, Willard and Works—24.

The report was concurred in.

Mr. Lehman moved that the committee on state house investigation be discharged.

Which was agreed to.

The consideration of House bill No. 344, pending at adjournment, the same was resumed.

Mr. Osborn, of Elkhart, moved that the House reconsider the vote refusing to fix the salary of the Auditor of State at \$4,000.

Mr. Hess moved to lay the motion on the table.

On this motion Messrs. Hess and Major demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Blockley, Brown of Steuben, Bryant, Carter, Connaway, Connor, Copeland, Davis, Donnell, Faulkner, Galbraith, Harland, Hart, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Osborn of Vermillion, Overmyer, Owen, Robeson, Robinson, Rodman, Rooker, Saint, Shanks, Shauck, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—48.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Bearss, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Fancher, Flodder, Garrouette, Ginz, Gordon, Handy, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Osborn of Elkhart, Perry, Reed, Reichelderfer, Scholl, Schweitzer, Shields, Sleeth, Stucker, Taylor of Daviess, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—48.

The motion did not prevail.

The question recurring on the motion of Mr. Osborn of Elkhart.

Messrs. Wimmer and Osborn of Elkhart demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, English, Fancher, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Herod, Hosmer, Humphreys, Huthsteiner, Kester, Miers, Nave, Osborn of Elkhart, Perry, Reed, Reichelderfer, Scholl, Schweitzer, Shields, Taylor of

Daviess, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—48.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Bryant, Carter, Connaway, Connor, Copeland, Davis, Donnell, Edwins, Faulkner, Harland, Hart, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Osborn of Vermillion, Overmyer, Owen, Robeson, Robinson, Rodman, Rooker, Saint, Shanks, Shauck, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—47.

The motion to reconsider prevailed.

The question being on the amendment of Mr. Gordon to Mr. Works' amendment.

Mr. Lehman demanded the previous question.

Which was seconded.

The question recurring on the amendment to the amendment.

Messrs. March and Arnold of Wabash demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Bearss, Blockley, Briggs, Carey, Compton, Cunningham, Dailey, English, Gordon, Handy, Herod, Hosmer, Humphreys, Kester, Kirkpatrick, Miers, Nave, Osborn of Elkhart, Perry, Reed, Reichelderfer, Robinson, Scholl, Schweitzer, Shields, Sleeth, Taylor of Daviess, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—36.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carter, Confer, Connaway, Connor, Copeland, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Harland, Hart, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Lehman, Lindley, Major, March, Messick, Mitchell, Osborn of Vermillion, Overmyer, Owen, Robeson, Rodman, Rooker, Shanks, Shauck, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—58.

The amendment was not adopted.



The question recurring on the amendment of Mr. Works.

Mr. Gordon moved to lay the same on the table.

Which was agreed to.

Mr. Works moved to reconsider the vote to lay his amendment on the table.

Mr. Humphreys moved to lay the motion to reconsider on the table.

Messrs. Works and Faulkner demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Flodder, Garrouette, Ginz, Gordon, Handy, Herod, Hosmer, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reed, Reichelderfer, Robinson, Scholl, Schweitzer, Shields, Stucker, Taylor of Daviess, Taylor of Warlick, Thompson, Tulley, Vanpelt, VanValzah and Willard—52.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Brown of Steuben, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Faulkner, Galbraith, Harland, Hart, Hess, Hopkins, Hubbard, Johnston, Kelly, Lindley, Major, March, Messick, Osborn of Vermillion, Overmyer, Owen, Robeson, Rodman, Rooker, Saint, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer, Works and Mr. Speaker—45.

Which motion was agreed to.

Mr. Johnston submitted the following amendment:

Amend section 9 by striking out the words "two thousand" in the first line, and inserting the words "fifteen hundred;" and further amend by striking out the word "fifteen" in the second line, and insert the word "twelve."

Which was laid on the table.

Mr. Johnston offered the following amendment:

Amend section 10 by striking out the words "five hundred."

On the adoption of the amendment, Messrs. Johnston and Wimmer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Drake, Fancher, Faulkner, Galbraith, Harland, Hart, Hess, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Shanks, Shauck, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—49.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Donnell, Drover, Edwins, English, Flodder, Ginz, Gordon, Handy, Herod, Hopkins, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Scholl, Schweitzer, Shields, Skinner, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—44.

The amendment was agreed to.

Mr. Barker offered the following amendment:

Amend by inserting after line three, in section 10, the following:  
The deputy attorney general shall receive fifteen hundred dollars per annum, payable quarterly out of any funds in the State treasury not otherwise appropriated.

Mr. Johnston moved that the amendment do lie on the table.  
Which was agreed to.

Mr. Connor submitted the following amendment:

To add "five hundred" after the word "two thousand," in line two of section 11.

Which was not adopted.

Mr. Snoddy offered the following amendment:

Amend section 11 by striking out "\$1,500," and inserting "\$1,000."

Mr. Edwins offered the following amendment to the amendment:  
Amend line three, section 11, by striking out 1,000 and inserting 1,200.

Mr. Miers moved that both amendments do lie on the table.  
Which was agreed to.

Mr. Sleeth offered the following amendment:

Amend line two so as to read clerks instead of clerk.

Mr. Hess moved that the amendment do lie on the table.

Which was agreed to.

Mr. Miers offered the following amendment:

Amend by striking out "\$1,500" and inserting "\$1,800" in lieu thereof, for his two clerks, or \$900 each.

Mr. Edwins moved to lay Mr. Miers' amendment on the table.

Which was not agreed to.

The question recurring on the amendment of Mr. Miers, Messrs. Faulkner and Edwins demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Connaway, Connor, Cunningham, Dailey, Dalton, Donnell, English, Fancher, Gordon, Handy, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Kelly, Kester, Kirkpatrick, Lehman, March, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Shields, Skinner, Taylor of Daviess, Taylor of Warrick, Thornburg, Tulley, VanValzah, Vawter, Watson and Willard—55.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Bearss, Blockley, Confer, Copeland, Davidson, Davis, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Harland, Hart, Huthsteiner, Johnston, Lindley, Major, Osborn of Elkhart, Osborn of Vermillion, Rooker, Schweitzer, Shanks, Shauck, Stevens, Stucker, Taylor of Lagrange, Thayer, Vaupelt, Wimmer, Works and Mr. Speaker—35.

The amendment was adopted.

Mr. Copeland offered the following amendment:

Amend by striking out of section 12 all that provides for an assistant librarian, so as to conform to the statutes, the same having been abolished by law.

On the adoption of Mr. Copeland's amendment, Messrs. Copeland and Carter demanded the ayes and noes.

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Barker, Brown of Steuben, Carter, Confer, Conaway, Copeland, Cunningham, Davidson, Davis, Donnell, Drake, Fancher, Faulkner, Flodder, Galbraith, Harland, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Lindley, Major, Osborn of Elkhart, Overmyer, Owen, Perry, Reichelderfer, Rodman, Shauck, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thornburg, Vawter, Willard and Works—42.

Those who voted in the negative were: Messrs. Allen, Arnold of Grant, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Compton, Connor, Dailey, Dalton, Drover, Edwins, English, Garrouette, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Kester, Kirkpatrick, Lehman, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Robeson, Robinson, Rooker, Scholl, Schweitzer, Shanks, Shields, Skinner, Taylor of Daviess, Taylor of Warrick, Thayer, Tulley, VanValzah, Watson, Wimmer and Mr. Speaker—49.

The amendment was lost.

On motion of Mr. Lehman the House adjourned until 2 o'clock P. M.

---

## AFTERNOON SESSION.

FEBRUARY 26, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Saint submitted the following resolution:

*Resolved*, That the special committee, to whom was referred the investigation of the charges against the benevolent institutions be and the same is hereby instructed to hear the evidence in said charges and report to the House at the earliest possible period.

Which resolution was adopted.

Mr. Osborn, of Elkhart, offered the following amendment:

Amend section 14 of said bill so as to read as follows:

Sec. 14. The clerks of the circuit, superior and criminal courts of this State shall tax and charge upon the proper books to be provided and kept in their offices, for the services by them performed in said county, the fees and amounts following, to-wit, and no more and none other:

For each writ, summons, or other process of the law under seal, except fee bills, executions and subpœnas, thirty-five cents.

For each subpœna, to include all witnesses of one county called for at one time, twenty cents.

For issuing and filing each subpœna for the grand jury, eight cents.

For each one hundred words of examined copy or certified transcript of any record or paper when requested to be furnished by any person (four figures counting as one word), six cents.

For all entries in the order books of complete records or dockets, except in estates and guardianships, including all the entries in each cause, for each one hundred words, (four figures counting as one word,) six cents.

For receiving and filing the verdict of a jury, ten cents.

For filing each pleading, written motion or demurrer, except in estates and guardianship, five cents.

For swearing each jury, ten cents.

For entering satisfaction of the record of any judgment against the parties upon the judgment docket, five cents.

For administering the oath to witnesses in court, to include all persons sworn at one time, five cents.

For entering satisfaction of record in the recorder's office, ten cents.

For issuing notice for publication to non-resident defendants, for each notice, thirty-five cents.

For issuing marriage license, including all affidavits, certificates and seals, filing all papers, registering and indexing and all other acts, seventy-five cents.

For issuing certified copy of the above, including seal, fifty cents.

For recording certificates of estray, fifty cents.

For taking, approving and attesting stay of execution, including all affidavits, certificates, seals and other acts done, twenty cents.

For issuing fee bills for fees not his own, including all affidavits, certificates, seals and other acts, for each one hundred words, (four figures counting as one word), ten cents.

For issuing execution, decree, or order of sale (including certificates and seal, filing and docketing the same, and recording the return), and all other acts done, seventy cents.

For filing, registering, certifying, and preserving statements of insurance, twenty cents.

For filing, docketing, and recording a transcript of judgment, to become a lien on real estate, and entering satisfaction of the same, for each one hundred words, (four figures counting as one word), six cents.

For each affidavit not otherwise provided for, including certificate and seal, provided no charge shall be made for any affidavit not expressly authorized by law, fifteen cents.

For taking, approving, and recording official bonds, including all affidavits, statements, certificates, seals, and other acts done, seventy cents.

For attending as clerk of the board of canvassers per day, one dollar and fifty cents.

For issuing and recording declaration and naturalization of any person, including all certificates, seals, affidavits and statements, sixty cents.

For issuing certificates of naturalization and affidavits of abjuration of allegiance, including all certificates, seals, statements, affidavits and other acts, sixty cents.

Clerks shall tax in each civil cause to the losing party as part of the costs of the cause, to be collected as the other costs are, and paid into the county treasury, a docket fee of two dollars.

And such clerk shall furnish, at their own expense, all stationery and blanks required for use in their offices respectively, excepting bound records, fee books, cash books, order books and dockets.

In criminal proceedings, for taking a recognizance, including all taken at one time, fifteen cents.

For issuing each writ or other process, thirty-five cents.

For making record, including all entries in the record books or dockets, for each one hundred words, (four figures counting as one word), six cents.

For each one hundred words of examined copy or certified transcript of any record or paper, when requested to be furnished by any person, four figures counting one word), six cents.

For swearing each jury, fifteen cents.

For swearing all the witnesses called for at one time, or the bailiff, five cents.



For receiving and filing verdict, ten cents.

All allowances by the court at any term shall be included in one certificate by the clerk, and he shall be entitled for said certificate and the seal and to be included therein, the sum of seventy cents.

For discharging recognizance, ten cents.

Mr. Herod moved that the amendment of Mr. Osborn of Elkhart do lie on the table.

On the motion, Messrs. Humphreys and Majors demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Barker, Briggs, Bryant, Caldwell, Campbell, Compton, Connaway, Cunningham, Dailey, Dalton, Flodder, Garrouette, Gordon, Herod, Hosmer, Kelly, Miers, Owen, Reichelderfer, Robinson, Rodman, Shields, Sleeth, VanValzah and Willard—25.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Carey, Carter, Confer, Connor, Copeland, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Ginz, Handy, Harland, Hart, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Reed, Robeson, Rooker, Saint, Schweitzer, Shanks, Shauck, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—68.

The motion was not agreed to.

Mr. Willard offered the following amendment to the amendment:

Amend first line of section 14, by striking out "thirty-five," and inserting "forty."

Which was not adopted.

Mr. Johnston moved that the amendment of Mr. Osborn be adopted.

Mr. Edwins moved the previous question.

Which was seconded.

On the motion of Mr. Johnston, Messrs. Faulkner and Johnston demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Confer, Copeland, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Hess, Hopkins, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Reed, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Wimmer and Mr. Speaker—61.

Those who voted in the negative were: Messrs. Connaway, Cunningham, Donnell, Gordon, Herod, Hosmer, Hubbard, Lindley, Miers, Overmyer, Owen, Perry, Reichelderfer, Robinson, Shields, Skinner, Sleeth, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard and Works—24.

The amendment was adopted.

Mr. Osborn, of Elkhart, offered the following amendment:

Sec. 15. No fees or charges shall be made by clerks against any estate, or the executors or administrators thereof, except as the same is in this section provided. For letters of administration and recording the same, including the statements, oaths, affidavits, certificates and seals, and filing, approving and recording the bond, one dollar and fifty cents.

For filing and entering of record report of executor or administrator, for each one hundred words, (four figures counting as one word), five cents.

Clerks shall index in proper indexes to be provided and left for that purpose, all records and dockets pertaining to estates, and for which service they shall receive a fee for each entry on such index of three cents.

For recording all inventories, sale bills, and other proceedings required by law to be recorded, for each one hundred words, (four figures counting as one word), five cents.

For all examined copies or certified transcript of the above records, including certificates and seal, for each one hundred words, (four figures counting as one word), five cents.

For taking, attesting and filing each affidavit required by law, including seal, jurat, and all other acts, ten cents.

For administering each oath, including all persons sworn at one time, three cents.

For each writ required by law, thirty-five cents.

For proving a will and endorsing the certificate thereon, including all affidavits, certificates, seals, statements and other acts, sixty cents.

For proving a codicil and endorsing the certificate thereon, including all affidavits, certificates, seals, statements and other acts, thirty cents.

For giving each notice required by law, twenty-five cents.

For entering each estate in the several dockets of the court, each one hundred words, (four figures counting as one word), five cents.

For entering the continuance of an estate, to be charged only when specially ordered by the court, five cents.

For filing each paper, two cents.

For every trial, fifteen cents.

No fees or charges shall be made by clerks against the estates of minors, except as below provided.

For application for letters and the statement, including all affidavits, certificates, seals, statements, and recording the same, and the taking, approving, acknowledging, filing and recording bonds and other papers, and recording letters and to include all the services connected therewith, seventy-five cents.

For each two years such guardianship is pending in the court the clerk shall receive seventy-five cents, where the assets in the hands of the guardian do not exceed one thousand dollars, and one dollar and one-half when the assets exceed that sum; and the clerks shall not take, receive or charge to be taken by themselves, any other fees, costs, charges or amounts for any and all official services or acts to be by them done or performed, than as in this act is herein specially set forth and stated.

Mr. Sleeth submitted the following amendment:

Amend line four by adding the words "or executor," after the word "administrator."

Which amendment was accepted.

Mr. Saint submitted the following amendment:

Amend by striking out all reference to allowance of fees for indexing records or other books.

Which was not adopted.



The question being on the amendment of Mr. Osborn of Elkhart. The same was adopted.

Mr. English submitted the following amendment:

Amend by striking out sections 14, 15 and 16 and insert the following:

The fees of the clerks of the circuit, superior and criminal courts in the counties of this State shall be reduced, graded and fixed according to the number of male inhabitants over twenty-one years of age in each as hereafter provided.

In counties having over 10,000 such inhabitants the fees of the officers mentioned in the preceding section shall be seventy-five per cent., and no more, of the amount fixed by the fees and salaries act, approved March 12, 1875, entitled "An act fixing the fees, salaries, duties and compensations of officers and persons named therein, prohibiting the violation of its provisions, and repealing certain laws;" and in counties having not less than 8,000, nor more than 10,000 such inhabitants, the fees of said officers shall be eighty per cent., and not more; and in counties having not less than 6,000, and under 8,000 such inhabitants, the fees of said officers shall be eighty-five per cent., and no more; and in counties having not less than 4,000 and under 6,000 such inhabitants, the fees shall be ninety per cent., and no more, of the amount fixed by said fees and salaries act, and whenever a fraction of a cent shall result in estimating any fee under the provisions of this act, such fraction of a cent shall not be charged by the officer.

Nothing in this act shall be construed as being applicable to the fees of the officers aforesaid in counties in this State having less than 4,000 inhabitants over twenty-one years of age.

The number of male inhabitants over twenty-one years of age in each of the counties in this State, shall, for the purposes of this act, be deemed to be the number of white and colored inhabitants, above the age of twenty-one years, reported to the General Assembly in 1879, for apportionment purposes by the Auditor of State, and the word "fees" wherever it occurs in this act, shall be construed to include percentages for collection.

Mr. Johnston moved that the amendment do lie on the table.

Which was agreed to.

Mr. Willard submitted the following amendment to section 16:

Amend by adding to section 16, page 8, the following: "When such estate is claimed by the widow."

Which was adopted.

Mr. Osborn, of Elkhart, submitted the following amendment to section 18:

Amend by striking out all of section 18, and inserting in lieu thereof the following:

Section 18. The circuit judges shall each receive a salary of two thousand dollars per annum, and no more, to be paid at the same time and in the same manner as now provided by law.

Mr. Allen submitted the following amendment:

Amend so as to make the salaries of circuit judges \$1,800, and no more.

Which was not adopted.

Mr. Faulkner submitted the following amendment:

Amend by adding the following: And the judges of the supreme court shall each receive for their services the sum of three thousand dollars per annum, and no more.

Which was not adopted.

Mr. Watson offered the following amendment:

*Provided*, That the provisions of this section shall not apply to any judge who has been elected and commissioned, but has not qualified.

Which was not adopted.

The question being on the amendment of Mr. Osborn of Elkhart. The same was adopted.

Mr. Skinner offered the following amendment:

Amend section 20, page ten, lines one and two, by striking out "twelve hundred" and inserting "fifteen hundred dollars."

Which was not adopted.

Mr. Stevens submitted the following amendment:

Amend section 20, line five, by substituting "seventy dollars," in the place of "one hundred dollars."

Mr. Shanks submitted the following amendment:

Amend line five after the word "hundred" insert "and twenty-five."

Which was not adopted.

The question recurring on the amendment of Mr. Stevens.

Messrs. Willard and Cunningham demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Barker, Bearss, Carey, Carter, Confer, Davidson, Davis, Drake, Edwins, Faulkner, Hart, Hubbard, Johnston, Kelly, Major, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Rooker, Saint, Shauck, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warriek and Wimmer—28.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Compton, Connaway, Connor, Copeland, Cunningham, Dailey, Donnell, English, Fancher, Flodder, Galbraith, Garrouette, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Lindley, Messick, Miers, Nave, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shields, Skinner, Sleeth, Taylor of Daviess, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Willard, Works and Mr. Speaker—61.

The amendment was not adopted.

Mr. Dailey offered the following amendment:

Amend section 20, lines seven and eight, as follows: "And one hundred dollars and no more shall be allowed for making all reports required by law to the Auditor of State in any one year."

Which was adopted.

Mr. Hess submitted the following amendment:

Amend section 20 by striking out lines thirty-nine, forty and forty-one.

Which was not adopted.

Mr. Vanpelt offered the following amendment:

Amend section 20, in line thirty-nine, by striking out "one-fourth" and inserting "one-half."

Mr. Willard offered the following amendment to the amendment: Strike out "one-half" and insert "three-fourths."

Mr. Johnston moved to lay both amendments on the table.

Which was not agreed to.

The question being on the amendment to the amendment of Mr. Willard.

The same was adopted.



The question recurring on the amendment of Mr. Vanpelt as amended.

Messrs. Edwins and Johnston demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Blockley, Caldwell, Compton, Connaway, Connor, Cunningham, Donnell, Fancher, Flodder, Handy, Harland, Herod, Hopkins, Hosmer, Humphreys, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Messick, Miers, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shields, Sleeth, Taylor of Daviess, Tulley, VanValzah and Willard—37.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Confer, Copeland, Dailey, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Galbraith, Garrouette, Gordon, Hart, Hess, Hubbard, Huthsteiner, Johnston, Major, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Reed, Rooker, Saint, Shauck, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Tulley, Thornburg, Vanpelt, Vawter, Watson, Wimmer and Mr. Speaker—53.

The amendment was not adopted.

Mr. Overmyer offered the following amendment:

Amend the bill in line thirty-nine, page 11, by striking out the words "one-fourth" and insert "one-half."

On the amendment of Mr. Overmyer, Messrs. Overmyer and Wimmer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Blockley, Briggs, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Donnell, Drover, English, Fancher, Flodder, Galbraith, Garrouette, Gordon, Handy, Harland, Herod, Hopkins, Hosmer, Humphreys, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Da-

viess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Willard, Wimmer, Works and Mr. Speaker—72.

Those who voted in the negative were: Messrs. Baker, Bearss, Carter, Copeland, Davis, Drake, Edwins, Faulkner, Ginz, Hart, Hess, Hubbard, Huthsteiner, Johnston, March, Osborn of Vermilion, Reed, Rooker, Saint, Shauck, Stucker and Watson—22.

Which was adopted.

Mr. Cunningham submitted the following amendment:

Amend section 20, by striking out lines forty-two, forty-three, forty-four and forty-five, and insert the following: The auditor shall receive two dollars and fifty cents per day while actually engaged in attendance upon township assessors, to be allowed by the board of commissioners on a statement made by the auditor under oath.

Mr. Van Valzah offered the following amendment to the amendment:

That lines forty-two, forty-three, forty-four and forty-five of section 20, be amended so as to read:

That the auditor shall receive pay or compensation for making out and delivering to the assessor the list of lands, lots and plats, and for the list of the road tax furnished to the supervisor, ten cents for each one hundred words, (four figures to count as one word), and for filing each paper, including claim against the county, and all papers filed in his office that are required to be preserved, three cents, to be paid out of the county treasury of moneys not otherwise appropriated.

Mr. Osborn moved to lay both the amendment and the amendment to the amendment on the table.

Which was agreed to.

Mr. Sleeth offered the following amendment:

Amend line thirty-seven, section 20, by inserting after the word "services" the following, "including proceedings in highway, turnpikes and ditchings."

Which amendment was adopted.

Mr. Sleeth submitted the following amendment:

Amend by adding to section 20 the following: For certificate and seal, when not issued for the benefit of the county, forty cents.

Mr. Wimmer moved that the amendment do lie on the table.  
Which was agreed to.

Mr. Watson offered the following amendment:

Amend line forty-five, of section 20, by striking out the word "supervisor," at the end of the line, and substituting therefor the following: "township trustee."

Which amendment was adopted.

The Speaker reported that he had signed enrolled acts Nos. 187 and 135.

Mr. Watson offered the following amendment:

Amend by adding after line forty-five, of section 20, the following: And such auditors shall furnish, at their own expense respectively, all stationery and blanks for use in their offices, except tax duplicates, records, dockets, cash books, fee books, order books, assessors' books, plat books and transfer books, and assessors' blanks.

Which amendment was adopted.

Mr. Handy offered the following amendment:

After line forty-five, section 20, provide that the auditor shall receive for filing each paper necessary to be filed in any question to be determined before the board or before the Board of Equalization, three cents.

Which was laid on the table.

Mr. Copeland submitted the following amendment:

Amend by adding to section 20, to-wit: For recording the reports of the viewers of ditches located, which report shall include the specifications of the work made by the civil engineer, for each one hundred words (four figures counting as one word), ten cents.

Mr. Overmyer moved that the amendment do lie on the table.

Which was agreed to.

Mr. Overmyer offered the following amendment:

Amend section 21 as follows: Strike out the words "seven hundred and fifty," in line one and two, and insert in lieu thereof the words "one thousand."

Which amendment was adopted.

Mr. Overmyer offered the following amendment:

Strike out the word "three," in line ten, and insert in lieu thereof the word "five."



On which question, Messrs. Faulkner and Major demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Brown of Jasper, Brown of Steuben, Connaway, Cunningham, Dalton, Donnell, Flodder, Ginz, Handy, Harland, Hess, Hopkins, Hosmer, Hubbard, Kester, Kirkpatrick, Lehman, Lindley, Miers, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Shields, Skinner, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Thayer, Thornburg, Tulley, Vanpelt, Van Valzah and Vawter—41.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Bryant, Campbell, Carey, Carter, Confer, Connor, Copeland, Dailey, Davidson, Davis, Drake, Drover, English, Fancher, Faulkner, Galbraith, Garrouette, Hart, Huthsteiner, Johnston, Kelly, Major, March, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Reed, Rooker, Saint, Schweitzer, Shanks, Shauck, Stevens, Stucker, Taylor of Warrick, Watson, Wimmer, Works and Mr. Speaker—47.

Which amendment was not adopted.

Mr. Handy submitted the following amendment:

Amend section 21, line seven, strike out the words "one-half of" and insert "one per cent."

On the adoption of the amendment of Mr. Handy, Messrs. Handy and Hart demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Bryant, Carey, Connaway, Cunningham, Dalton, Donnell, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hess, Hopkins, Hosmer, Kester, Messick, Perry, Reichelderfer, Scholl, Shields, Sleeth, Thayer, Thornburg, Vawter and Willard—27.

Those who voted in the negative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Brown of Jasper, Campbell, Carter, Compton, Confer, Connor, Copeland, Dailey, Davidson, Davis, Drake, Drover, English, Fancher, Faulkner, Hart, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed,

Robeson, Robinson, Rodman, Rooker, Saint, Shanks, Shauck, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Vanpelt, Watson, Wimmer, Works and Mr. Speaker—57.

The amendment was not adopted.

Mr. Lindley submitted the following amendment:

Amend by striking out lines 10, 11, and the first of line 12, and insert the following :

“The treasurer shall retain out of all delinquent taxes collected by him the amount of four per cent. thereof.”

Mr. Tulley moved that the amendment do lie on the table.

Which was agreed to.

Mr. Briggs submitted the following amendment:

Amend line 7, section 21, by striking out “one-half of,” and insert “three-fourths of.”

Mr. Tulley moved that the amendment do lie on the table.

Which was agreed to.

Mr. Flodder submitted the following amendment :

Amend section 22, strike out in line 8, page 13, “eight cents,” and insert “ten cents.”

Which was not adopted.

Mr. Reed submitted the following amendment:

I offer the following amendment: In line 26, page 13, immediately following the word “mileage,” insert these words, “for the distance.”

Which was adopted.

Mr. Dalton submitted the following amendment:

Amend by striking out, in line 27, in section 22, the words “twenty-five cents” and insert in lieu thereof “forty cents.”

Which was not adopted.

Mr. Osborn of Elkhart offered the following amendment:

Amend by striking out lines 12, 13, 14, 15, 16, 17, 18, 19 and 20, and insert “for summoning a jury of twelve men, with mileage as above, one dollar.”

Mr. Tulley moved to lay the amendment on the table.

Which was agreed to.

Mr. Johnston offered the following resolution:

*Resolved*, That when the House adjourn it adjourn to meet at 7:30 o'clock this evening.

Which was not concurred in.

Mr. Handy submitted the following amendment:

Amend section No. 22, line 30; strike out "one-half of one per cent." after the words "three hundred dollars," and insert "one per cent."

Which was not adopted.

Mr. Watson submitted the following amendment:

Amend line 57, section 22, page 14, by inserting after the word "expenses" and before the word "in" the words and figures following: "And \$1.50 per day, not to exceed three days."

Which was adopted.

Mr. Watson submitted the following amendment:

Amend line 28 of section 22, page 13, by inserting after the word "summons" and before the word "with," the following words, "on all the persons named therein."

Which was adopted.

Mr. Watson submitted the following amendment:

Amend line 26, section 22, page 13, by inserting after the word "subpoena" and before the word "with," the following: "On all persons named therein."

Which was adopted.

Mr. Reed offered the following amendment:

Amend as follows: By striking out of line 22, page 13, the words "and mileage as above."

Which was not adopted.

Mr. Watson offered the following amendment:

Amend by adding at the end of line 43, section 22, page 14, the following: "Provided but one mileage shall be charged if summons and writ are in his hands at the same time."

Which was adopted.

Mr. Flodder submitted the following amendment:

Amend section 22, in line 53, page 14, after the word "allowed," and insert the following: "Fifteen cents per mile going and returning by the nearest route of railroad."

Which was laid on the table.



Mr. Overmyer offered the following amendment :

Amend, "and sheriff shall receive no mileage as pay from the state treasury for transporting persons to any of the institutions of the State." The above amendment to follow the word "treasury" in line 65, on page 14.

Which was adopted.

Mr. Allen submitted the following amendment :

Amend line 66 by making the pay \$2.

Mr. Mitchell submitted the following amendment :

Amend by striking out "\$2.50" in section 22, line 68, page 15, and insert in said line "\$2.00."

Mr. Dailey moved to lay the amendments of Mr. Allen and Mr. Mitchell on the table.

Which was agreed to.

Mr. Faulkner submitted the following amendment :

Amend line 107 by inserting in lieu of the words "one-half of such," the words "the same."

Which amendment was not agreed to.

Mr. Saint offered the following amendment :

Amend by adding to line 113, section 22, the following: And such sheriffs shall furnish at their own expense all blanks and stationery required for use in their offices respectively, except dockets, fee books and records, and record books and ink.

Which was adopted.

Mr. Reed offered the following amendment :

Amend section 22 as follows: By striking out "eighty cents," and insert "one dollar," in line 123. Strike out "forty," and insert "fifty," and by adding the following: *Provided*, That in all such legal advertisements the type shall be set solid without displaying lines, and be measured and paid for accordingly.

Which amendment was not adopted.

Mr. Shanks offered the following amendment :

Add to line 127, of section 22, the following: "And it shall be the duty of the board of county commissioners of each county of this State, to designate three places in each township of their respective counties, and make a record thereof, which said places shall be by said board declared to be the three most public places in said township,

and all legal notices required by law to be posted in said township, shall be posted in said places."

Which was adopted.

Mr. Campbell submitted the following amendment:

Amend, for recording deeds and mortgages and the acknowledgments thereto, and indexing the same, "seventy-five cents" instead of "one dollar and twenty-five cents."

Which was not adopted.

Mr. Stevens offered the following amendment:

Amend line 3, in section 23, by striking out "\$1.25" and insert "\$1.00."

Which was adopted.

Mr. Kirkpatrick offered the following amendment:

Amend line 3 on page 19, by striking out "\$4.00" and inserting "\$3.00."

Which was adopted.

Mr. Overmyer moved to reconsider the vote on the amendment of Mr. Kirkpatrick.

Mr. Edwins moved to lay the motion of Mr. Overmyer on the table.

On which motion Messrs. Edwins and Wimmer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Carter, Confer, Copeland, Dailey, Davis, Drake, Drover, Edwins, Galbraith, Gordon, Handy, Hart, Hess, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Robeson, Rooker, Saint, Schweitzer, Snoddy, Stucker, Taylor of Warrick, Tulley and Wimmer—45.

Those who voted in the negative were: Messrs. Arnold of Wabash, Bryant, Carey, Compton, Connaway, Connor, Cunningham, Davidson, Donnell, English, Fancher, Faulkner, Hopkins, Hosmer, Johnston, Messick, Miers, Overmyer, Reichelderfer, Robinson, Rodman, Scholl, Shanks, Shields, Skinner, Sleeth, Stevens, Taylor of Lagrange, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Willard, Works and Mr. Speaker—38.

The motion to lay on the table prevailed.

Mr. Sleeth offered the following amendment:

Amend line 5 by inserting after the words "plea of guilty, \$250; and on conviction on plea of not guilty, \$500."

Which was adopted.

Mr. Sleeth offered the following amendment:

Amend line 9 by striking out "\$1,000" and inserting "\$500," and in line 10 by striking out "ten per cent." and inserting "five per cent."

Which was adopted.

Mr. Major offered the following amendment:

Amend line 3, section 27, by striking out "\$7.00" and inserting "\$5.00."

Which was adopted.

Mr. Dailey submitted the following amendment:

Amend section 28 of said bill so as to read as follows, to-wit:

Sec. 28. The fees of coroner shall be as follows, to-wit:

Impanneling and swearing a jury and witnesses, and making and returning inquisition for view of each body, for the first day, five dollars.

For each additional day, two dollars.

And mileage necessary traveled, five cents.

When coroners perform the duties required of sheriffs they shall have the same compensation allowed to sheriffs, and be paid in the same way. Such coroner shall have power to employ a clerk at a rate of pay not exceeding two dollars per day, to take down the evidence at any inquisition; to compel the attendance of jurors by attachment during the progress of the inquisition; also, to compel the attendance of witnesses by attachment.

Mr. Overmyer offered the following amendment to the amendment:

Amend the amendment to the amendment by striking out "\$5.00" and insert "\$3.00," for coroners per day.

Which was adopted.

The question being on the amendment as amended.

The same was adopted.



Mr. Allen offered the following amendment:

Amend section 29 by adding the following: *Provided*, That for all services rendered as overseer of the poor they shall be paid out of the county treasury, out of any funds not otherwise appropriated, at the rate of one dollar per day.

Mr. Briggs moved that the amendment do lie on the table.

Which was agreed to.

Mr. Briggs offered the following amendment:

Amend by striking out all of section 31 and inserting the following: Any officer mentioned in this act who shall tax up, collect, or attempt to collect any fee not provided for herein, or who shall tax up, collect, or attempt to collect any constructive fees under this act, shall, for every illegal fee so taxed up, collected, or attempted to be collected, be fined in any sum not less than one hundred dollars—one-half of which shall be paid into the county treasury for the benefit of the common school fund and the other half thereof shall be paid to the informer.

Mr. Willard moved that the amendment do lie on the table.

Which was not adopted.

Mr. Willard offered the following amendment to the amendment:

And it shall be the duty of the judge of the circuit court or criminal circuit court, in counties where such courts exist, at each term of court where a grand jury is required, to instruct such grand jury to diligently inquire into any violation of this law, and to ascertain if such county officers have in any way violated the provisions of this act, and make report thereof to the said judge.

Which was accepted.

The amendment of Mr. Briggs as amended was adopted.

Mr. Humphreys submitted the following amendment:

Amend by adding another section, numbered 35, to read as follows:

Township assessors shall receive for their services two dollars per day.

Which was adopted.

Mr. Osborn, of Elkhart, offered the following amendment:

Amend by adding to section 1 the following: "And no other fee or compensation shall be paid to or received by any of the officers herein named that are provided for."

Which was adopted.

Mr. Johnston submitted the following amendment:

Amend the bill by adding the following:

Section 33. The judges of the supreme court shall each be allowed the sum of three thousand dollars, to be paid out of the State treasury, in quarterly installments, out of any money not otherwise appropriated.

Which was adopted.

On motion of Mr. Davidson the House adjourned.

(Approved)

HENRY S. CAUTHORN.  
Speaker of the House of Representatives.

## THURSDAY MORNING.

FEBRUARY 27, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Gordon, the further reading was dispensed with.

Mr. Works submitted the following resolution:

WHEREAS, The statute authorizes the Auditor of State to collect certain fees from foreign insurance companies and allows him to retain for his services twenty-five per cent. thereof; and

WHEREAS, There is no provision of law by which the action of such Auditor in collecting and paying over such fees can be inquired into by any other officer; and

WHEREAS, It is being charged that the predecessor of the present incumbent of said office has charged exorbitant and illegal fees in connection with such foreign insurance companies and has failed to account to the State for moneys collected; and

WHEREAS, It is believed there is no law authorizing such Auditor to charge any fees for services rendered by him in connection with the land department of such office; and

WHEREAS, It is charged that the predecessor of the present incumbent has charged fees for his services in connection with said department in violation of law, and has been guilty of other violations of duty as such Auditor; therefore

*Resolved*, That a committee of three be appointed to investigate the affairs of said office during the term of office of the predecessor of the present incumbent, and that they be instructed to inquire into all of the affairs of the office, but particularly whether any fees not authorized by law have been charged, and the amount of fees collected and received by such Auditor during his office, and that the committee report fully to this House.

*Resolved*, That the committee shall have full and free access to any and all books and papers kept in said office during the term of office of said Auditor, and that they be allowed the services of an expert, if necessary.

*Resolved*, That such committee shall have power to send for persons and papers and to do any other acts necessary to a full and fair investigation of said office.

Mr. Gordon offered the following amendment:

Amend by adding to said resolution the following: "And that said committee have leave to report to the next General Assembly."

Which was not adopted.

The question recurring on Mr. Works' resolution.

The same was adopted.

The Speaker appointed the following committee under the resolution of Mr. Works, to-wit: Messrs. Works, Sleeth, Huthsteiner, Overmyer and Dailey.

The House resumed the consideration of House bill No. 344.

Mr. Faulkner offered the following amendment by adding the following section:

Section 34. The pay of the members of the General Assembly shall be five dollars per day, and mileage eight cents per mile by the nearest route traveled.

Mr. Overmyer offered the following amendment to the amendment:

Amend by striking out five dollars per day and insert one dollar and fifty cents per day.



The question being on the amendment to the amendment, Messrs. Faulkner and Gordon demanded the ayes and noes.

Mr. Allen moved that the amendment to the amendment do lie on the table.

On which motion Messrs. Tulley and Van Valzah demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Drover, English, Garrouette, Gordon, Hart, Hess, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Warrick, Thornburg, Vanpelt, Willard, Wimmer, Works and Mr. Speaker—56.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Blockley, Briggs, Caldwell, Carter, Compton, Confer, Connaway, Donnell, Drake, Edwins, Fancher, Faulkner, Flodder, Galbraith, Ginz, Handy, Harland, Hopkins, Huthsteiner, Kirkpatrick, Lehman, Lindley, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Shields, Taylor of Lagrange, Thayer, Tulley, Van Valzah, Vawter and Watson—37.

The amendment to the amendment did not prevail.

Mr. Lehman offered the following amendment:

No member of the General Assembly shall be allowed any mileage whatever, unless he shall file his affidavit with the committee on mileage and accounts, at the time of drawing said mileage, that he does not hold nor has not held during the term of his office any pass or certificate from any railroad, steamboat or stage company, which pass or certificate would entitle him to travel free over any of the lines of such company or companies.

Which was accepted.

Mr. Osborn, of Elkhart, offered the following amendment:

Amend by striking out "eight" and inserting "four," in said section.

Which was accepted.

On the adoption of the amendment as amended, Messrs. English and Mitchell demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Steuben, Caldwell, Compton, Confer, Dailey, Dalton, Davis, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Harland, Hart, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—73.

Those who voted in the negative were: Messrs. Arnold of Grant, Bearss, Brown of Jasper, Bryant, Campbell, Carey, Carter, Connaway, Connor, Cunningham, Davidson, Donnell, Handy, Nave, Perry, Reichelderfer, Skinner and Sleeth—18.

The amendment to the amendment was adopted.

Mr. Gordon moved to reconsider the vote refusing to allow the deputy attorney general \$1,500 salary.

On the motion, Messrs. Johnston and Faulkner demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Briggs, Brown of Jasper, Bryant, Campbell, Cunningham, Dailey, Dalton, Davidson, Davis, Drover, English, Flodder, Ginz, Gordon, Herod, Hess, Hopkins, Humphreys, Huthsteiner, Kester, Lehman, Messick, Miers, Nave, Osborn of Vermillion, Perry, Robinson, Saint, Scholl, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Vanpelt, VanValzah and Willard—42.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Blockley, Brown of Steuben, Carey, Carter, Compton, Confer, Connaway, Connor, Drake, Edwins, Fancher, Faulkner, Galbraith, Garrouette, Handy, Harland, Hart,

Hosmer, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Mitchell, Osborn of Elkhart, Overmyer, Owen, Reed, Reichelderfer, Robeson, Rodman, Rooker, Schweitzer, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer, Works and Mr. Speaker—50.

Which motion was not agreed to.

Mr. Allen moved to reconsider the vote of the House by which his amendment in regard to township trustees was lost.

Which motion was not agreed to.

Mr. Briggs' amendment to section 31, introduced on yesterday, was withdrawn by consent.

Mr. Briggs offered the following amendment:

Amend by inserting as a new section after the section providing for fees of coroners' witnesses and coroners' jurors: Constables shall receive fees as follows, to-wit:

For serving a summons or warrant on each person named therein, twenty-five cents.

For every mile traveled in going and returning to serve process or subpoena, five cents.

Where two or more are named in such process mileage shall be allowed for the distance necessarily traveled, ten cents.

For copy of the process left at the residence of defendant, twenty-five cents.

Serving subpoena, for each person therein named, twenty cents.

Bail bond, twenty-five cents.

Serving execution, and mileage as above, twenty-five cents.

Commitment to prison, twenty-five cents.

Sale of goods, when the value of goods does not exceed six dollars, twenty-five cents.

On all sums above five dollars, five per cent.

On all moneys collected on execution without sale, one-fourth of the above commission.

Returning execution, ten cents.

Summoning a jury in any case, fifty cents.

Posting up advertisements of sale, thirty cents.



## CONSTABLES' FEES IN CRIMINAL CASES.

For serving warrant on each person named therein, twenty-five cents.

Serving subpœna, twenty-five cents.

For traveling in serving process, for each mile necessarily traveled, ten cents.

Attending examination on trial of a person charged with a crime or misdemeanor, twenty-five cents.

If more than one an additional fee, for each, twenty-five cents.

Commitment of each person to prison, twenty-five cents.

For each mile necessarily traveled, ten cents.

Which was accepted.

Mr. Overmyer offered the following amendment:

Amend section 29 of the bill as follows: Township trustees shall not hereafter levy the tax heretofore known as "township tax," and they shall be paid for all their services out of the county treasury, upon itemized and sworn bills, filed before the board of commissioners and allowed by such board.

Mr. Works submitted the following amendment to the amendment:

Amend amendment by adding: And the amount paid each trustee shall be charged to his respective township.

Mr. Baker moved that both amendments do lie on the table.

On which motion, Messrs. Overmyer and Thayer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Blockley, Briggs, Brown of Jasper, Carey, Confer, Dailey, Dalton, Drake, Drover, Flodder, Galbraith, Garrouette, Ginz, Handy, Hess, Hosmer, Johnston, Kester, Kirkpatrick, March, Mitchell, Reed, Rodman, Scholl, Shanks, Shauck, Shields, Stevens, Stucker, Tulley, VanValzah and Willard—34.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bryant, Campbell, Carter, Compton, Connaway, Connor, Cunningham, Donnell, English, Fancher, Harland; Hart, Herod, Hopkins, Humphreys, Huthsteiner, Kelly, Lehman, Lindley, Major, Messick, Miers, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Robeson, Robin-

son, Rooker, Saint, Schweitzer, Skinner, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Thayer, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—47.

The motion to lie on the table was not agreed to.

Mr. Willard demanded the previous question upon the pending amendments and engrossment of the bill.

On which the ayes and noes were taken.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Campbell, Carter, Confer, Dailey, Dalton, Drake, Edwins, English, Faulkner, Galbraith, Garrouette, Ginz, Hart, Herød, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Vawter, Watson, Willard, Wimmer and Mr. Speaker—61.

Those who voted in the negative were: Messrs. Allen, Arnold of Wabash, Brown of Steuben, Caldwell, Carey, Connaway, Connor, Cunningham, Davidson, Donnell, Drover, Fancher, Gordon, Handy, Harland, Hess, Hopkins, Kirkpatrick, Lindley, Major, March, Nave, Rooker, Shields, Tulley, VanValzah and Works—28.

The previous question was seconded.

The question being on the amendment to the amendment of Mr. Works.

The same was not adopted.

The question recurring on the amendment of Mr. Overmyer.

The same was adopted.

The bill was ordered to be engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 311, entitled "An act to punish tramps," have had

the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 318, entitled "An act to amend an act defining vagrancy," etc., have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do pass.

Report concurred in and bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 329, entitled "An act to establish a State Board of Health in the State of Indiana," etc., have had the same under consideration, and directed me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 333, entitled "An act to authorize religious societies to elect sextons, with powers of constables," etc., have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it do pass.

Report concurred in and the bill ordered to be engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 236, entitled "An act to prevent domestic animals from running at large, etc., have had the same under consideration,



and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 259, entitled "An act to prohibit officers of the supreme, criminal and circuit courts, etc., from receiving or using any steamboat or railroad pass," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 237, entitled "An act for the protection of the citizens of the State against incompetent physicians," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 263, entitled "An act to amend an act entitled an act to amend section 1 of an act to provide for the protection of fish and repealing all laws in conflict with the same, approved July 22, 1877," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 275, entitled "An act to prevent fishing from ponds,

lakes," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 335, entitled "An act authorizing the appointment of fish commissioners," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 339, entitled "An act prohibiting the killing or taking of quail for three years, from January 25, 1879," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie on the table.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 373, entitled "An act to amend section 2 of an act approved June 4, 1852," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Mr. Davidson moved that the report do lie upon the table.

Which was agreed to and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 363, entitled "An act to regulate the practice of dentistry," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 384, entitled "An act for the protection of fish," etc., have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 400, entitled "An act providing for the better preservation and protection of game," have had the same under consideration, and directed me to report the bill back to the House with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 409, have had the same under consideration and direct me to report the same back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 417, have had the same under consideration and direct



me to report the bill back to the House, with the recommendation that it be amended as follows:

Strike out of the eighteenth line of the first section the word "ninety," and insert the word "thirty," and when so amended that the bill do pass.

Which report was concurred in, and the bill as amended ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 433, entitled "An act for the protection of wild game," etc., have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 435, entitled "An act legalizing dissections of human bodies," etc., have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 463, entitled "An act to exempt five hundred dollars," etc., have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 481, entitled "An act to exempt homesteads in certain cases," have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do lie upon the table.

Which report was concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 562, entitled "An act relating to pool, billiard and card tables," etc., have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 576, entitled "An act to amend an act declaratory of the law regulating marriages," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Which report was laid on the table and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 577, entitled "An act to repeal an act concerning attorneys's fees," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 598, entitled "An act in relation to malfeasance in office, embezzlement," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 616, in relation to the boundaries of Lagrange and Noble counties, introduced by O. B. Taylor, has had the same under consideration and directs me to report it back to the House, with the recommendation that the bill do pass.

Report concurred in and bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 619, by Mr. Robinson of Marion, have had the same under consideration, and direct me to report it back to the House with the recommendation that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 625, giving employes of corporations liens upon corporate property for labor performed, has had the same under consideration, and directs me to report it back to the House with the recommendation that the bill do pass.

Report concurred in and the bill ordered engrossed.



Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House bill No. 628, in relation to "fisheries," have had the same under consideration, and direct me to report it back to the House with the recommendation that the bill be indefinitely postponed.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred Senate bill No. 184, have had the same under consideration and have requested me to report the same back to the House, with the recommendation that it do pass.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred engrossed Senate bill No. 9, entitled "An act to promote the science of medicine and surgery," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred engrossed Senate bill No. 136, entitled "An act in relation to human bodies," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in.

Mr. Hubbard, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate Bill No. 43, entitled "An act to exempt the wages of laborers from garnishment and proceedings supplemental to execution, in certain cases," have had the same under consideration, and direct me to report the same back to the House with the recommendation that it do pass.

Report concurred in.

Mr. Hubbard, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 180, have directed me to report the same back, recommending that it do pass.

Report concurred in.

Mr. Hubbard, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 338, direct me to report the same back, recommending that it do pass.

Which was concurred in.

Mr. Van Valzah, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee on railroads, to whom was referred House bill No. 397, direct me to report the same back with the recommendation that section 1 of said bill be amended by striking out all after the enacting clause, and inserting in lieu thereof the following:

That all covered bridges with cross beams or cross ties at the top, or bridges with iron or other braces extending across at the top or projecting over or partially over the track or rails on any railroad within this State, shall be constructed so that such roof cross beams, cross ties at the top, iron or other braces, shall be at least eighteen feet in height in the clear, so that there shall be eighteen feet of unobstructed space between the floor and roof or other timber or irons at the top of such railroad bridges; and further recommend that

section 4, declaring an emergency, be struck out, and that when so amended the bill do pass.

Report concurred in, and the bill as amended ordered to be engrossed.

Mr. Van Valzah, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee on railroads, to whom was referred House bill No. 572, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do lie on the table.

Mr. Thayer moved that the report do lie on the table.

Which was agreed to, and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 154, the same being in reference to draining wet lands, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 123, entitled "An act disqualifying citizens of incorporated cities as electors of township trustees," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie on the table.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House resolution introduced by Mr. Shields, have had the same under consideration and direct me to report the resolution



back to the House, with the recommendation that it do lie upon the table, for the reason that we deem its objects inexpedient.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred a petition from citizens of Greene county, have considered the same and direct me to report the resolution back to the House, with the recommendation that it be referred to the committee on railroads.

Report and resolution laid on the table.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 21, entitled "An act transferring the duties of township assessors to township trustees," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 63, entitled "An act to amend section 8 of an act in relation to county treasurers," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 153, entitled "An act to abolish the office of township assessor," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie on the table.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House resolution No. 80, have had the same under consideration and direct me to report the same back to the House, with the opinion that the proposition is impracticable.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 209, entitled "An act to amend the fourth section of an act to authorize the formation of companies for the detection of horse thieves," etc., have had the same under consideration and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Mr. Johnston moved that the report of the committee do lie on the table.

Which was agreed to and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 262, entitled "An act to require county commissioners to let all county printing," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in and bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 267, entitled "An act to repeal an act authorizing the construction of railroads," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report :

MR. SPEAKER:

Your committee on counties and townships, to whom was referred House bill No. 330, entitled "An act to amend section 7 of an act providing for the election and appointment of supervisors," etc., have had the same under consideration and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on counties and towns, to whom was referred House bill No. 325, entitled "A bill for an act authorizing and regulating the advertising and letting of contracts," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report laid on the table and bill ordered engrossed.

Mr. Dalton moved that the rules be suspended to introduce a bill. Which was agreed to.

House Bill No. 637. Introduced by Mr. Dalton, entitled "An act providing means for the construction of the new State House, levying a tax for the new State House fund, authorizing a loan to supply the general fund and declaring an emergency."

Read the first time.

House Bill No. 638. Introduced by Mr. Allen, entitled "An act to legalize the proceedings of the Board of State House Commissioners in adopting plans and specifications and contracting for the erection of a new State House, authorized and provided for in an act entitled an act to authorize and provide for the erection of a new State House, and for matters incident thereto, approved March 14, 1877, and to provide for reducing the number of State House Commissioners, prescribing their pay and forbidding any change in plans, specifications and contracts, repealing conflicting laws."

Read the first time.



Mr. Overmyer moved that the constitutional rules be suspended, and that House bill No. 637, be read the second time.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Flodder, Garrouette, Ginz, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Major, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—81.

Those who voted in the negative were: Messrs. Compton, Confer, Cunningham, Galbraith, Hart, Kirkpatrick and Willard—7.

The rules were suspended.

House Bill No. 637. Introduced by Mr. Dalton, was read the second time and referred to the committee on ways and means.

Mr. Allen moved that the constitutional rules be suspended, and that House bill No. 638 be read the second time.

The roll was called.

Those voting in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Garrouette, Ginz, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Major, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thornburg, Tulley,

Vanpelt, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—81.

Those who voted in the negative were: Messrs. Compton, Confer, Cunningham, Flodder, Hart, Kirkpatrick and Willard—7. The rules were suspended.

House bill No. 638, introduced by Mr. Allen, was read the second time and referred to the committee on ways and means.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 338, entitled "An act providing for the disposition of road tax collected," etc., have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on counties and townships, to whom was referred House bill No. 342, entitled "An act to authorize county commissioners to contract for the county printing," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 357, entitled "An act to amend section 7 of an act to provide for a general system of common schools," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 358, entitled "An act relating to tramps," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 368, the same being for the relief of George H. Winchel and others, have had the same under consideration and direct me to report it back to the House with the recommendation that it do pass.

Report concurred in and bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 374, entitled "An act to amend section 2 of an act in relation to county auditors, approved May 31, 1852," have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 385, entitled "An act to amend sections 3 and 4 of an act discouraging useless and sheep-killing dogs," etc., have had the same under consideration, and direct me to report the bill back to the House, with the recommendation that it do lie upon the table, for the reason that we have recommended the passage of a similar bill.

Report concurred in.



Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 395, entitled "An act to authorize county treasurers when property is levied upon and not sold for want of bidders, to remove the same to the county seat," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be laid on the table.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 430, in reference to county auditors, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do pass.

• Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 438, entitled "An act to authorize the county commissioners to contract for the public printing," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed, for the reason that your committee has reported favorably upon a similar bill.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 489, direct me to report the same back, with the recommendation that it be amended by striking out of line 4, section 4, the word "fifty" and insert "twenty;" and that when so amended it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 487, entitled "An act for the vacation of public squares," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 503, entitled "An act to prohibit certain animals from running at large," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 516, entitled "An act to amend an act to provide for the relocation of county seats," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 522, entitled "An act for the better security of the public funds," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 557, entitled "An act making it the duty of the Governor in certain cases to have the business of any public office investigated," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be referred back for the consideration of that body.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report: •

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 594, by Mr. Stucker, of Crawford and Orange, have had the same under consideration and have instructed me to report the same back to the House, with the recommendation that the same be laid upon the table.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 589, entitled "An act to authorize the trustee of Union township, Union county, to pay certain indebtedness incurred by former trustee," etc., have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 578, have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it be amended as follows: Insert after the 22d line of section 1, these words: "*Provided*, That when said judgment is so receipted that said John R. Robinson shall release any claim he may have against said town-



ship to the amount of said judgment." That when the bill is so amended it do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 611, entitled "An act to prevent township trustees from making expensive and extravagant orders for medical attendance and services," have had the same under consideration, and have directed me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 617, entitled "An act providing for the erection and management of county hospitals," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Which report was concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 622, have had the same under consideration and have directed me to report the same back to the House with the recommendation that said bill do lie upon the table.

Which was concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 623, entitled "An act to legalize the sale and conveyance of certain real estate," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 630, entitled "An act regulating presentation of claims against counties," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred engrossed Senate bill No. 331, entitled "An act to amend section 1 of an act authorizing school trustees to pay over special school revenue," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred engrossed Senate bill No. 187, entitled "An act amending section 12 of an act providing for the election and appointment of supervisors," etc., have had the same under consideration and direct me to report the same back to the House, with the recommendation that it do pass.

Report concurred in and bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred engrossed Senate bill No. 138, direct me to report the same back, recommending that it do pass.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred engrossed Senate bill No. 37, direct me to report the same back, recommending that it do pass.

Report concurred in.

The following communication was received from the Auditor of State:

INDIANAPOLIS, IND., FEBRUARY 26, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

DEAR SIR: In compliance with a resolution of the House, certified to this office, the 25th inst., I have the honor herewith to transmit to the House a schedule of bills now on file in this office against the State for special services of judges. This schedule exhibits in detail who performed the service and when, date of same, number of days, per diem, and total amount due each party, making a total amount due on such bills, \$12,119 55.

Very respectfully yours,

M. D. MANSON,

Auditor of State.

Which, with the accompanying documents, was referred to the committee on ways and means.

Mr. Baker, from the committee on county and towns, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 479, direct me to report the same back, recommending that it be indefinitely postponed.

Report concurred in.

Mr. Baker, from the committee on counties and townships, submitted the following report:

MR. SPEAKER:

Your committee on counties and townships, to whom was referred House bill No. 469, entitled "An act to prohibit the sale or transfer of county orders," etc., have had the same under consideration and



direct me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report laid on the table and bill ordered engrossed.

Mr. Baker, from the committee on counties and towns, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 451, entitled "An act to repeal sections 1 and 2, and amend section 3 of an act regulating the running at large of all kinds of animals," etc., have had the same under consideration and direct me to report the bill back, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was recommitted House bill No. 466, have reconsidered the same and direct me to report that all of said bill after the enacting clause be stricken out and the following amendment inserted:

"That the board of commissioners of any county in this State, at any time within one year from and after the passage of this act, may appropriate money in the treasury of such county at the time such appropriation is made to liquidate any indebtedness or liability of any of the citizens of such county incurred on the 25th day of May, A. D. 1874, in aid of the construction of any railroad now completed and operated through such county where the local aid voted for the construction of such railroad through such county has been insufficient therefor: *Provided*, No such appropriation or appropriations shall in all exceed one-tenth of one per cent. of the taxable property of such county, as shown by the last tax duplicate thereof: *Provided, further*, That no such appropriation or appropriations shall be made unless the same will fully liquidate the indebtedness of the citizens of such county incurred as aforesaid, nor shall any such appropriation or appropriations be made if there shall be filed with such board of commissioners a written remonstrance against the same, signed by one-fourth in number of the resident tax-payers of such county."

And when so amended your committee recommend that the bill do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. Handy, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred House bill No. 312, the same being a bill to authorize the Governor to deposit with the Adjutant General reports and documents relating to the Morgan Raid Claims, making them a part of the records of the Adjutant General's office, and legalizing the seal of the Adjutant General, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

On motion of Mr. Hubbard, the House adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

FEBRUARY 27, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Humphreys presented the credentials of Mr. Fleming, the member from Allen county.

Which were received, and Mr. Fleming was sworn in as a member of the House of Representatives.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture, to whom was referred House bill No. 605, the same being a bill to provide punishment for persons guilty of giving certificates of false weights and measures, etc., have had the same under consideration and directs me to report the same back to the House, with the recommendation that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 488, report the same back, recommending that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 530, direct me to report the same back with the following amendments:

Amend section 1 by inserting the word "knowingly" just after the word "shall," in the sixth line of said section, and when so amended that the bill do pass.

Report concurred in, and the bill as amended ordered engrossed.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture, to whom was referred engrossed Senate bill No. 303, have had the same under consideration, and have directed me to return the same back to the House and recommend its passage.

Which report was concurred in.

Mr. Johnston, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture, to whom was referred House bill No. 531, have had the same under consideration and have directed me to report the same back with the following amendment:

Amend by striking out the word "shall" in second line, and inserting the following, "may at their discretion," and when so amended recommend its passage.

Report concurred in and the bill ordered engrossed as amended.

Mr. Johnston, from the committee on agriculture, submitted the following report:



MR. SPEAKER:

Your committee on agriculture, to whom was referred House bill No. 595, have had the same under consideration and directed me to report the same back and recommend that it do lie on the table.

Which report was concurred in.

Mr. Briggs, from the committee on benevolent institutions, submitted the following report:

MR. SPEAKER:

Your committee on benevolent institutions, to whom was referred House bill No. 101, introduced by Mr. Herod, have had the same under consideration and have instructed me to report the same back to the House with the recommendation that the same do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Briggs, from the committee on benevolent institutions, submitted the following report:

MR. SPEAKER:

Your committee on benevolent institutions, to whom was referred House bill No. 246, entitled "An act providing for the appointment of commissioners for the insane," etc., have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Scholl, from the committee on benevolent institutions, submitted the following report:

MR. SPEAKER:

Your committee on benevolent institutions, to whom was referred House bill No. 100, entitled "An act to secure to inmates of the Insane Hospital the right to communicate with persons outside by letter or otherwise, and providing punishments for denials of such rights," have had the same under consideration and recommend that the bill be indefinitely postponed.

Mr. Gordon moved that the report do lie upon the table.

Which was agreed to, and the bill ordered to be engrossed.

Mr. Faulkner, from the committee on temperance, submitted the following report:

MR. SPEAKER:

Your committee on temperance, to whom was referred House bill No. 36, entitled "An act to define and suppress tippling houses," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Which report was concurred in.

Mr. Faulkner, from the committee on temperance, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 194, entitled "An act to amend and repeal certain sections of an act to regulate and license the sale of spirituous liquors," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Mr. Reichelderfer moved that the report do lie upon the table.

Which was not agreed to, and the report was concurred in.

Mr. Faulkner, from the committee on temperance, submitted the following report:

MR. SPEAKER:

Your committee on temperance, to whom was referred House bill No. 144, entitled "An act providing for the collection of damages," etc., have had the same under consideration and a majority of your committee have directed me to report the bill back to the House, with the recommendation that it do lie upon the table.

Mr. Arnold of Grant, from the committee on temperance, submitted the following minority report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 144, have had the same under consideration and a minority of your committee have instructed me to report the bill back to the House, with the recommendation that it be amended as follows:

Add to section 2 the words "if it is rented by him for the purpose or knowing that it would be used for that purpose, or knowingly permit it to be used for that purpose at any time," and that when the bill is so amended it do pass.

On concurring in the minority report, Messrs. Owen and Campbell demanded the ayes and noes.

Mr. Miers moved the previous question.

Which was seconded.

The question being on concurring in the minority report.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Gordon, Handy, Harland, Hess, Hubbard, Kelly, Kirkpatrick, Lindley, March, Mitchell, Osborn of Elkhart, Overmyer, Owen, Reed, Robinson, Saint, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Warrick, Thayer, Thornburg, Vawter, Watson and Works—43.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Hart, Herod, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Messick, Miers, Nave, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Lagrange, Tulley, Vanpelt, VanValzah, Wimmer and Mr. Speaker—53.

The minority report was not concurred in.

The question being on concurring in the majority report.

The same was concurred in.

Mr. Faulkner, from the committee on temperance, submitted the following report:

MR. SPEAKER:

Your committee on temperance, to whom was referred House bill No. 315, direct me to report the same back to the House, with the recommendation that it be indefinitely postponed.

Mr. Hubbard, from the committee on temperance, submitted the following minority report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 315, have considered the same, and a minority of your committee have directed



me to report the bill back recommending that it be amended as follows:

Strike out of section 3, lines 86 to 94, inclusive, and insert the following:

*Provided*, That in any incorporated city it shall be competent for the applicant to procure, as herein provided, the signatures of a majority of the male citizens who voted at the last preceding general election, and proof to be made as heretofore provided, in the ward in which said application is made to sell intoxicating liquor, and that when the bill is so amended it do pass.

Mr. Briggs moved that the minority report do lie on the table.

On which motion Messrs. Saint and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Hart, Herod, Hosmer, Humphreys, Huthsteiner, Kester, Messick, Miers, Nave, Perry, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Tulley, Vanpelt, VanValzah and Wimmer—45.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Gordon, Handy, Harland, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, March, Mitchell, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Shanks, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vawter, Watson and Works—46.

The motion was not agreed to.

Mr. English moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor,

Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—95.

Mr. Lehman moved that the further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Briggs demanded the previous question.

Which was seconded.

The question being on concurring in the minority report.

Messrs. Gordon and Lehman demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Gordon, Handy, Harland, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vawter, Watson and Works—46.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Messick, Miers, Nave, Perry, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Sleeth, Stucker, Taylor of Daviess, Tulley, Vanpelt, Van Valzah, Willard, Wimmer and Mr. Speaker—48.

The minority report was not concurred in.

The question being on concurring in the majority report.

The same was concurred in

Mr. Faulkner, from the committee on temperance, submitted the following report:

MR. SPEAKER:

Your committee on temperance, to whom was referred House bill No. 359, entitled "A bill for an act defining a tippling house," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Faulkner, from the committee on temperance, submitted the following report:

MR. SPEAKER:

Your committee on temperance, to whom was referred House bill No. 362, entitled "An act to amend section 14 of an act regulating and licensing the sale of spirituous liquors," etc., have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it do lie upon the table.

Which report was concurred in.

Mr. Faulkner, from the committee on temperance, submitted the following report:

MR. SPEAKER:

Your committee on temperance, to whom was referred House bill No. 415, entitled "An act to regulate and license the sale of spirituous liquors," etc., have had the same under consideration, and direct me to report the bill back to the House with the recommendation that it do lie upon the table.

Mr. Mitchell moved that the report do lie on the table.

Which was agreed to.

Mr. Watson offered the following amendment:

Amend first line of section 12 by striking out the words "if any person shall," and insert in lieu thereof the following: "It shall not be lawful for any person to."

Which was adopted.

Mr. English demanded the previous question.

Which was seconded.

The question being on engrossing House bill No. 415.

The same was so ordered.



Mr. Taylor, of Daviess, from the committee on corporations, submitted the following report :

MR. SPEAKER :

Your committee on corporations, to whom was referred engrossed Senate bill No. 18, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Taylor, from the committee on corporations, submitted the following report :

MR. SPEAKER :

Your committee on corporations, to whom was referred House bill No. 509, by Mr. Van Valzah, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Taylor, from the committee on corporations, submitted the following report :

MR. SPEAKER :

Your committee on corporations, to whom was referred House bill No. 602, by Mr. Johnston, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill do lie on the table.

Which was concurred in.

Mr. Taylor, from the committee on corporations, submitted the following report :

MR. SPEAKER :

Your committee on corporations, to whom was referred House bill No. 632, by Mr. Owen, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Handy, from the committee on mileage and accounts, submitted the following report :

MR. SPEAKER :

Your committee on mileage and accounts, to whom was referred House bill No. 599, entitled "An act to establish the mileage of

members," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 608, have had the same under consideration and direct me to report it back to the House, with the recommendation that the bill do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 369, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 407, the same being an act to repeal assessment and collection of taxes on dogs, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do pass.

Mr. Hess moved that the report do lie on the table.

On which motion, Messrs. Humphreys and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Brown of Steuben, Bryant, Campbell, Carey, Compton, Connaway, Connor, Copeland, Davidson, Davis, Donnell, Drake, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Gordon, Harland, Hess, Hopkins, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick,

Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Tulley, Vanpelt, Vawter, Watson, Wimmer and Works—65.

Those who voted in the negative were: Messrs. Barker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Confer, Cunningham, Dailey, Dalton, Drover, Fancher, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Mitchell, Perry, Stucker, VanValzah, Willard and Mr. Speaker—24.

The report was laid on the table.

Mr. Hess moved that the bill be indefinitely postponed.

Which was agreed to.

Mr. Taylor of Warrick, from the committee on federal relations, submitted the following report:

MR. SPEAKER:

Your committee on federal relations, to whom was referred House concurrent resolution in reference to "the black death," have had the same under consideration and direct me to report it back to the House, with the recommendation that it do pass.

Which report was concurred in.

Concurrent House resolution was read and adopted.

Mr. Taylor of Warrick, from the committee on federal relations, submitted the following report:

MR. SPEAKER:

Your committee on federal relations, to whom was referred House joint resolution No. 1, in reference to a modification of the United States navigation and tariff laws, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do pass.

Which report was concurred in.

Mr. Taylor of Warrick, from the committee on federal relations, submitted the following report:

MR. SPEAKER:

Your committee on federal relations, to whom was referred Senate concurrent resolution No. 13, in reference to unjust discrimination



of railroads, have had the same under consideration and direct me to report it back to the House, with the recommendation that it be concurred in.

Which report was concurred in.

Mr. Taylor of Warrick, from the committee on federal relations, submitted the following report:

MR. SPEAKER:

Your committee on federal relations, to whom was referred House joint resolution No. 19, the same being in reference to clerks of circuit and district courts and master commissioners of United States courts, introduced by Mr. Gordon of Marion, have had the same under consideration and direct me to report it back to the House, with the recommendation that the same do pass.

Which report was concurred in.

Mr. English, from the committee on the affairs of the city of Indianapolis, submitted the following report:

MR. SPEAKER:

Your committee on the affairs of the city of Indianapolis, to whom was referred House bill No. 565, had the same under consideration and have directed me to report the bill back to the House, with the recommendation that the same do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. English, from the committee on the affairs of the city of Indianapolis, submitted the following report:

MR. SPEAKER:

Your committee on the affairs of the city of Indianapolis, to whom was referred House bill No. 564, have had the same under consideration and have directed me to report the same back to the House with a recommendation that the bill do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred engrossed Senate bill No. 80, have had the same under consideration and recommend that the bill do pass.

Report concurred in.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred Senate bill No. 140, entitled "An act to authorize the surrender of city charters or municipal organization of any city whose population shall be less than seven thousand, reserving vested rights," etc., have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred resolutions No. 43 and 66, direct me to report them back to the House, recommending that they be laid on the table.

Report concurred in.

Mr. Campbell submitted the following resolution:

*Resolved*, That the committee on cities and towns be instructed to return to the House, at once, Senate bill No. 379, legalizing certain annexations to the city of Logansport, for the consideration of the House.

Mr. Miers moved to lay the resolution on the table.

On motion, Messrs. Reed and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Barker, Bearss, Bryant, Caldwell, Carey, Carter, Compton, Confer, Cunningham, Davidson, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Hart, Humphreys, Johnston, Lehman, Miers, Osborn of Elkhart, Schweitzer, Shanks, Shauck, Stevens, Taylor of Warrick, Willard and Works—32.

Those who voted in the negative were: Messrs. Allen, Barker, Blockley, Brown of Jasper, Campbell, Connaway, Connor, Dailey, Davis, Donnell, English, Fancher, Gordon, Handy, Harland, Hess, Hopkins, Hosmer, Hubbard, Kelly, Kester, Kirkpatrick, Lindley,

March, Messick, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Shields, Skinner, Sleeeth, Snoddy, Stucker, Taylor of Daviess, Taylor of Lagrange, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Wimmer and Mr. Speaker—53.

The motion was not agreed to.

The question being on the adoption of the resolution.

The same was adopted.

The committee on cities and towns then returned engrossed Senate bill No. 379 to the House, without recommendation, and the bill passed to a third reading.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 197, entitled "An act to amend section 2 of an act providing for the election and appointment of supervisors," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie on the table.

Report concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 199, entitled "An act providing for the election and appointment of supervisors," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 207, direct me to recommend the following amendments:

Strike out of the second, third, and fourth lines of section 5 the words "not to be open for a longer period than one hour and fifteen minutes nor for a shorter period than one hour," and insert "remain open four hours."



Insert the following to section 7: *Providing*, That any legal voter residing in any road district shall be eligible to the office of supervisor in such district.

Strike out of section 7 the figure "7" and insert "8."

And when the bill is so amended it do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 257, have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be amended as follows:

Strike out of section 1 as follows: "It shall be the duty of the county commissioners to appoint some competent man, in each township of their respective counties designated as," and insert "at each election of township officers there shall be elected a general."

Strike out of section 5 the words "may order such to be cut at the nearest point and brought upon the road for the special use of the same," and insert "shall have power to purchase the same where, in his opinion, it is most advantageous."

Strike out of section 15 "laying on any public roads or highways, or adjacent thereto, in the several road districts of the State," and insert "within the township through which the road runs."

Strike out of sixth line of section 15 "fifteen cents," and insert "ten cents."

Strike out of fourth and fifth lines of section 17 "and fifty cents."

Strike out all of section 7 and insert: "It shall be the duty of the county commissioners in their respective counties to place or cause to be placed in the hands of the general road commissioner, funds in an amount sufficient to make all the repairs necessary on roads and highways, bridges and culverts: *providing*, there are funds sufficient on hand collected for such purposes. *Provided further*, That the cost of such repairs shall not exceed fifty dollars for any one bridge or culvert."

After the bill is so amended that it do pass.

Which report was concurred in and the bill as amended ordered engrossed.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 223, entitled "An act to amend section 2 of an act providing for the election and appointment of supervisors," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 265, entitled "An act to abolish the office of road supervisor," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report laid on the table, and the bill ordered engrossed.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 480, entitled "An act to amend section 13 of an act establishing and regulating ferries," have had the same under consideration and direct me to report the same back to the House, with the recommendation that it do lie on the table.

Report concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 410, entitled "An act to amend section 2 of an act providing for the election and appointment of supervisors," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 597, entitled "An act to encourage the building of free gravel roads," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 540, entitled "An act to amend section 18 of an act providing for the opening, changing and locating of highways," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 554, entitled "An act authorizing taxpayers for free gravel roads to organize a corporation for the purpose of changing them into toll roads," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Mr. Kirkpatrick moved that the report do lie on the table.

Which was not agreed to.

The motion to concur in the report was not concurred in, and the bill was ordered engrossed.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 561, entitled "An act limiting and defining the rates of toll," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.



Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 604, entitled "An act regulating the stopping of passenger trains," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and bill ordered engrossed.

Mr. Huthsteiner, from the committee on insurance, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 380, have had the same under consideration and direct me to report as follows:

Amend the bill by inserting in line 78, after the word "except," the words "mutual fire and"; also, insert in line 79 the words "of assets" after the word "surplus"; also, amend by striking out lines 96, 97, 98, 99 and 100 and insert the following: "And the agent or agents obtaining the said certificate shall file the same, together with a certified copy of the statement on which it was obtained, in the office of the clerk of the circuit court of the county in which such agency is established, both of which documents shall be carefully preserved for public inspection by said clerk, and he shall note in the vacation entries of the same in the order book of such court as follows:

First. The name of the company.

Second. The name of the agent.

Third. The date of the filing of such document, and when so noted to index the same in said order, for all of which services, viz: filing, noting and indexing, such clerk shall receive the sum of fifty cents; and the entry, when so made in such order-book, shall be conclusive evidence in any suit against such company of the fact therein stated, including the authority of the agent named to act for such company. And the company shall cause a copy of such annual statement to be published in two leading daily newspapers of the State having the largest general circulation therein, the cost thereof to be paid by the company.

The Auditor of State shall collect for the State of Indiana the sum of ten dollars in each and every case for the examination of the statement and evidence of investment as herein provided, and, fur-

ther, the sum of four dollars for each certificate of agent's authority, issued under the provisions of this act, including the certified copy of the annual statement upon which such certificate shall be based, to be paid by the agent or company applying for the same.

The Auditor of State shall, on the first Tuesday of March, June, September and December, of each year, make to the Treasurer of State, under oath to be endorsed thereon, a written report of all moneys received by him under any and all provisions of this act, stating therein the transactions of his office since his last report, as follows:

First. The number of certificates of authority issued as herein provided, and the total amount of moneys collected for such certificates at the rate of four dollars for each second number of certificates of authority issued by him, for which or any matter or service connected therewith he shall have charged and collected a greater sum than at the rate of four dollars for each certificate.

Third. The number of examinations of statement and evidence of investment made by him, and the total amount of moneys collected therefor at the rate of ten dollars for each case.

Fourth. The number of such examinations made, for which a greater sum than ten dollars for each case was charged, and the total amount of moneys collected therefor in excess of the sum of ten dollars for each such examination.

Fifth. The total amount of any other moneys collected under the provisions of this act.

Sixth. The amounts in total of all moneys collected under the provisions of this act from each separate company respectively. The auditor of State shall pay over to the State Treasurer, on the same day that he makes report thereof, the entire receipts on account of fees of any kind charged and collected from foreign insurance companies, less twenty-five per centum thereof, which he may retain for his services in collecting the same and for all other services whatever connected therewith. Whenever any insurance company shall have transacted any insurance business in any county in this State and shall have ceased to have any duly authorized agent in such county, service of process issuing out of any court of this State against such insurance company may be had upon the clerk of the circuit court of such county, and such service shall be valid and binding on such company; and when served with such process it shall be the duty of such clerk to mail to the principal office of

such company a certified copy of such process: *Provided*, That the provisions of this act shall not apply to or embrace horse insurance and detective companies issuing exclusively against thieves.

Also, strike out the words "or other states," in line 153, and insert the word "state" in lieu thereof.

Also, amend the title as follows: Add thereto the words "declaring an emergency and repealing laws inconsistent therewith."

And when so amended the committee recommend the bill do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. Huthsteiner, from the committee on insurance, returned House bill No. 445.

Which was laid on the table.

Mr. Bryant, from the committee on statistics and emigration, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 536, direct me to report the same back, recommending that it be indefinitely postponed.

Report concurred in.

Mr. Baker, from the committee on drains and dykes, submitted the following report:

MR. SPEAKER:

Your committee on drains and dykes, to whom was referred engrossed Senate bill No. 47, entitled "An act to amend section 12 of an act to enable the owners of wet land to drain and reclaim the same," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Which report was concurred in.

Mr. Barker, from the committee on drains and dykes, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 284, recommend that it do pass.

Report concurred in and bill ordered engrossed.



Mr. Taylor of Daviess, from the committee on apportionment, submitted the following report:

MR. SPEAKER:

Your committee on apportionment, to whom was referred House bill No. 25, introduced by Mr. English, have had the same under consideration and direct me to report it back to the House, with the recommendation that it lie on the table.

Report concurred in.

Mr. Caldwell, from the committee on apportionment, submitted the following report:

MR. SPEAKER:

Your committee on apportionment, to whom was referred House bill No. 27, introduced by Mr. English, have had the same under consideration and direct me to report it back, with the recommendation that it lie on the table.

Report concurred in.

Mr. Caldwell, from the committee on apportionment, submitted the following report:

MR. SPEAKER:

Your committee on apportionment, to whom was referred House bill No. 452, introduced by Mr. Saint, have had the same under consideration and direct me to report it back to the House, with the recommendation that it lie on the table.

Report concurred in.

Mr. Mitchell, from the committee on apportionment, submitted the following report:

MR. SPEAKER:

Your committee on apportionment, to whom was referred House bill No. 28, have had the same under consideration and direct me to report it back, with the recommendation that it lie on the table.

Report concurred in.

Mr. Caldwell, from the committee on apportionment, submitted the following report:

MR. SPEAKER:

Your committee on apportionment, to whom was referred House bill No. 486, introduced by Mr. English, of Marion and Shelby, have had the same under consideration and report it back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. English, from the committee on apportionment, submitted the following report:

MR. SPEAKER:

Your committee on apportionment, to whom was referred House bill No. 143, introduced by Mr. Mitchell, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do lie on the table.

Report concurred in.

The Speaker reported that he had signed enrolled Senate bills Nos. 30, 101, 6 and 268.

Mr. Dalton, from the House joint committee on public buildings, submitted the following report:

MR. SPEAKER:

The House joint committee on public buildings direct me to report to the House that the committee, in company with the committee on the part of the Senate, visited the Reformatory for Women and Girls, and the Institution for the Education of the Deaf and Dumb. At the Reformatory it was found that a new wash house and sewer are greatly needed for the convenience and health of the inmates. The building for the deaf and dumb is in a very bad state of repairs, two flights of stairs being in an absolutely dangerous condition. Fire escapes are needed at both institutions for the protection of life. Without some provision being made the inmates of the Deaf and Dumb Institute will be in great danger in case of fire. The committee recommend that a sufficient appropriation be made to secure these needed improvements and to make the necessary repairs at the Deaf and Dumb Institute.

The committee has given matters connected with the building of the new State House a careful investigation, and finds the enterprise in a satisfactory condition. The committee is satisfied that the building, as provided for in the plan adopted by the committee, can be completed at a cost of two millions of dollars or less, and that the bond of the contractors, Messrs. Kannemacher & Denig, is amply sufficient to secure the completion of the work according to contract. The foundation of the building is commenced, and the work only awaits funds to be prosecuted to completion.

Which report was referred to the committee on ways and means.

Mr. Barker, from the committee on drains and dykes; submitted the following report :

MR. SPEAKER:

Your committee on drains and dykes, to whom was referred engrossed Senate bill No. 365, entitled "An act to amend section 3 and repeal section 4 of an act for the benefit of Lye creek," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Edwins, from the committee on sanitary affairs, submitted the following report :

MR. SPEAKER:

Your committee on sanitary affairs, to whom was referred House bill No. 297, entitled "A bill to regulate the practice of medicine," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Edwins, from the committee on sanitary affairs, submitted the following report :

MR. SPEAKER:

Your committee on sanitary affairs, to whom was referred House bill No. 66, entitled "An act for the creation of a State board of medical examiners for the State of Indiana," have had the same under consideration, and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Edwins, from the committee on sanitary affairs, submitted the following report :

MR. SPEAKER:

Your committee on sanitary affairs, to whom was referred House bill No. 65, entitled "An act to create a state board of health," etc., have had the same under consideration and directed me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.



Mr. Edwins, from the committee on sanitary affairs, submitted the following report:

MR. SPEAKER:

Your committee on sanitary affairs, to whom was referred House bill No. 461, entitled "A bill for an act regulating the practice of medicine, have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Edwins, from the committee on sanitary affairs, submitted the following report:

MR. SPEAKER:

Your committee on sanitary affairs, to whom was referred House bill No. 324, entitled "An act to establish a state board of health," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass, with the following amendments.

The report was not concurred in, and the bill was laid on the table.

Mr. Edwins, from the committee on sanitary affairs, submitted the following report:

MR. SPEAKER:

Your committee on sanitary affairs, to whom was referred House bill No. 535, entitled "An act to regulate the practice of medicine, midwifery, surgery," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

On motion of Mr. Watson the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## FRIDAY MORNING.

FEBRUARY 28, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The journal of yesterday was read in part, when, on motion of Mr. Faulkner, the further reading of the journal was dispensed with.

Mr. Connor, from the special committee, submitted the following majority report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 22, have had the same under consideration and a majority of the committee recommend that the bill do pass.

Strike the words "one thousand" from sections 1, 3, 4 and 5 wherever they occur, and insert in lieu thereof "seven hundred."

Amend section 4 by striking out the words "decree on" from the eighth line thereof; also strike out the word "may" from the ninth line of said section 4, and in lieu thereof insert the word "shall."

Also amend section 7 by striking therefrom the words "five hundred," where they occur, and by inserting in lieu thereof the words "three hundred." Also strike out that part of section 7 after the word "value" in the twenty-second line relating to the exemption of property of unmarried men.

Amend section 10, by adding the following thereto, viz.: As to debts or contracts incurred or entered into after the taking effect of this act, but such repeal shall not in any manner affect the rights of the debtor, under contracts or liabilities existing at the time this act takes effect, to claim and receive all the benefits of the act entitled an act to exempt property from sale in certain cases, approved February 7, 1852, and the amendments thereto.

Also, amend by adding the following at the end of section 1: *Provided*, That such real estate so claimed as a homestead shall be recorded as such by the owner thereof in a book to be kept by the county recorder, and to be entitled the homestead record, such record shall contain a specific description of the real estate, and a declaration of the intention to set apart such real estate as a home-

stead, which shall be signed and acknowledged by the owners, and unless such record be made such owners shall claim the real property exempt from execution. *Provided, also,* That the provisions of this act shall not apply to existing contracts.

Mr. Allen, from the special committee on House bill No. 22, submitted the following minority report:

MR. SPEAKER:

The undersigned, minority of the special committee on House bill No. 22, recommend that it be amended by striking out all after the enacting clause and insert the following, and amend the title so as to read as follows:

A bill for an act to exempt real and personal property from execution in certain cases, and to prevent a married man from mortgaging or conveying real property exempted without the consent of his wife.

That an amount of property not exceeding in value one thousand dollars, owned by any resident householder, shall not be liable to sale on execution or any other final process from a court for any debt growing out of or founding upon a contract, express or implied, after the taking effect of this act.

Sec. 2. The property may be real or personal, or both, as the debtor may elect and designate at the time he claims the exemption.

Sec. 3. For the appraisalment of any property to be exempted under the provisions of this act two disinterested householders of the neighborhood shall be chosen, one by the plaintiff, his agent or attorney, and one by the execution debtor, and these two, in case of disagreement, shall select a third, and in case either party fails to select an appraiser, the same shall be selected by the officer holding the execution.

Sec. 4. Such appraisers shall proceed forthwith to make a schedule of the real and personal property selected by the debtor, describing the real estate by metes and bounds, and the personal property by separate items, affixing to each the value they may agree upon, and they, or a majority, shall affix to the schedule so made an affidavit in substance as follows: We, the undersigned, swear that, in our opinion, the above is a just cash valuation of the property therein described.

Sec. 5. Such schedule shall be delivered to the officer holding the execution or other process, and shall be by him returned with such execution or other process, and made a part of such return.



Sec. 6. Each appraiser for his services shall be allowed fifty cents, to be paid by the execution debtor.

Sec. 7. If the debtor claim as exempt from execution personal property only, the officer holding the execution shall cause the same to be appraised and set apart to the debtor, and shall proceed to sell such other property, if any, as may be liable to the execution according to law.

Sec. 8. If the claim of the debtor, as exempt from execution, include both real and personal property, the officer holding the execution shall proceed to have the personal property appraised and set apart to the debtor, and then to have the real property claimed appraised, and if the amount of both appraisements exceed one thousand dollars the debtor may, within sixty days thereafter, pay the excess, or an amount sufficient to satisfy the execution; but if he fail to do so, the officer shall proceed to sell the real property as other real property is sold on execution, if the execution authorizes the sale of such property. In making the sale he shall receive no bid unless it exceed the difference between one thousand dollars and the appraisement of the personal property so set apart to the debtor. If the officer sell the real property he should pay over to the debtor the amount of said difference, and of the remainder apply upon the execution enough to satisfy it, and pay the balance, if any, to the debtor, or to such other party as may be entitled to it.

Sec. 9. If the debtor claim as exempt from execution real property only, it shall be appraised, and if its appraised value exceed one thousand dollars it shall be sold, if there is a bid for more than a thousand dollars. If sold the officer shall pay to the debtor one thousand dollars and the remainder of the purchase money shall be disposed of as provided in the last preceding section.

Sec. 10. In all cases in which real property is claimed as exempt from sale or execution, and said real property is susceptible of divisions by metes and bounds without material injury thereto, it shall be so described as to exempt the principal dwelling house or homestead of the debtor.

Sec. 11. Before a debtor shall receive the benefit of the exemption, provided by this act, he shall make out and deliver to the officer holding the execution a schedule of all his property as now required by law, in case an exemption from sale on execution is claimed.

Sec. 12. In any case when the execution defendant is absent himself from his home, and an attachment or execution shall be directed

against his property, his wife may make out and verify the schedule of his property and claim and receive for him the exemption provided in this act, and claim and exercise all the rights which would belong to her husband were he present.

Sec. 13. No mortgage or sale of any real estate exempted under the provisions of this act shall be valid if executed by a married man, unless the mortgage or deed be signed and acknowledged by the wife in due form of law.

Sec. 14. The exemption under this act shall not affect any laborers' or mechanics' lien, nor lien for the purchase money of the real property exempted, nor exempt any property from taxation or from sale for taxes.

Sec. 15. The exemption provided in this act shall not apply to any debt or contract existing at the time it takes effect, but all householders owing debts growing out of and founded upon a contract expressed or implied, existing at that time, shall be entitled to claim and receive the exemption provided by the act entitled "An act to exempt property from sale in certain cases, approved February 17, 1852," and the amendments and the acts in addition and supplemental thereto.

Mr. Taylor of Warrick moved the previous question.

Which was seconded.

The question being on concurring in the minority report, Messrs. Willard and Allen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Bryant, Caldwell, Campbell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Faulkner, Galbraith, Garrouthe, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Messick, Miers, Mitchell, Perry, Reed, Reichelderfer, Robeson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shutt, Snoddy, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Vanpelt, Van Valzah, Willard, Wimmer and Works—58.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Steuben, Carey, Carter, Connaway, Connor, Copeland, Donnell, Edwins, English, Fancher, Fleming, Flodder, Gordon, Harland, Hess, Hopkins, Hubbard,

March, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Robinson, Shields, Skinner, Sleeth, Stevens, Taylor of Lagrange, Tulley, Vawter, Watson and Mr. Speaker—36.

The minority report was adopted.

Mr. Humphreys submitted the following amendment:

Amend by striking out "one thousand dollars" and insert "five hundred dollars, either personal or real property, as the debtor may select."

On the adoption of the amendment, Messrs. Humphreys and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Compton, Copeland, Cunningham, Dailey, Donnell, Drover, English, Fancher, Fleming, Flodder, Galbraith, Ginz, Hart, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Perry, Robeson, Skinner, Sleeth, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, VanValzah and Mr. Speaker—43.

Those who voted in the negative were: Messrs. Allen, Baker, Barker, Bearss, Blockley, Bryant, Campbell, Carter, Confer, Connaway, Connor, Dalton, Davidson, Davis, Drake, Edwins, Faulkner, Garrouette, Gordon, Handy, Harland, Herod, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, March, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Taylor of Daviess, Thayer, Vanpelt, Vawter, Watson, Willard, Wimmer and Works—52.

The amendment was not adopted.

Mr. Shanks submitted the following amendment:

*Provided*, That all second or subsequent appraisements under this act shall be at the cost of the party or parties asking the reappraisement, unless the property of the debtor at the time of the reappraisement is appraised at enough over and above the legal exemption to meet said cost.

Which was adopted.



Mr. Willard submitted the following amendment:

Amend section 1 by adding at the close thereof the following: And there shall also be allowed to every citizen of the State two hundred dollars in property, which shall be exempt from sale on execution in the same manner as now provided by law in case of householders; but this shall not apply so as to give twelve hundred dollars to any citizen, but shall apply only to citizens not householders.

Mr. Wimmer moved that the amendment do lie on the table.

On the motion, Messrs. Willard and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Brown of Steuben, Caldwell, Connaway, Copeland, Dailey, Davidson, Donnell, Drover, Edwins, English, Fancher, Flodder, Galbraith, Garrouette, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kester, Kirkpatrick, Miers, Perry, Robeson, Schweitzer, Shields, Skinner, Sleeth, Stevens, Stucker, Taylor of Lagrange, Thayer, Tulley, VanValzah, Vawter, Wimmer and Mr. Speaker—47.

Those who voted in the negative were: Messrs. Briggs, Brown of Jasper, Bryant, Campbell, Carey, Carter, Compton, Confer, Connor, Cunningham, Davis, Drake, Faulkner, Gordon, Handy, Hubbard, Johnston, Kelly, Lindley, March, Messick, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Rooker, Seholl, Shanks, Shauck, Shutt, Snoddy, Taylor of Warrick, Vanpelt, Watson, Willard and Works—41.

The motion was agreed to.

Mr. Shanks submitted the following amendment:

The provisions of this act and all laws now in force exempting the property of the debtor from execution or other final processes from a court, shall include all matters arising out of tort as well as those arising out of contract: *Provided*, That in cases of tort the right of exemption shall be allowed in the order herein named: to the wife, widow, and minor children, but not to the person against whom the process in tort is had.

Which was not adopted.

On motion, the majority report on House bill No. 22 was laid on the table.

On motion, House bill No. 22, as amended, was ordered engrossed.

Mr. Connor, from the select committee, to whom was referred House bill No. 278, submitted the following report:

MR. SPEAKER:

Your select committee, to whom was referred House bill No. 278, on exemption, have considered the same, and direct me to report the same back to the House, with the recommendation that it do lie on the table.

Report concurred in.

Mr. Allen, from the special committee to consider House bill No. 51, submitted the following report:

MR. SPEAKER:

Your special committee, appointed for the purpose of considering House bill No. 51, direct me to report the same back, recommending that it be amended as follows:

On line 19, section 3, page 4, strike out the word "two," and in lieu thereof insert the word "three."

Strike out section 5, and in lieu thereof insert the following: Sec. 5. The office of county superintendent is hereby abolished, and all the duties now required by law to be performed by said county superintendent, except as modified by this act, shall be hereafter performed by the school examiner provided for in this act, and whenever the words "county superintendent" are used in any law in this State, it shall be construed and held to mean and apply to the school examiner.

Further amend by inserting, after section 6, the following: Sec. 7. The board of county commissioners may authorize the school examiner to visit the schools in the county not exceeding thirty days in any one year, and may allow and pay him therefor, from the county treasury, a compensation not to exceed the rate of three dollars per day. *Provided*, That such allowance shall only be made upon an itemized statement, filed and proved to the satisfaction of the said board of county commissioners.

And your committee further recommend that when so amended the bill do pass.

Mr. Owen presented the following minority report on House bill No. 51:

MR. SPEAKER:

As a minority of the committee selected by you, to whom was referred House bill No. 51, on the subject of abolishing the office of county superintendent, have had the subject under consideration and beg leave to report that the bill should be indefinitely postponed.

Mr. Drake moved the previous question.

Which was seconded.

The question being on the adoption of the minority report, Messrs. Reed and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Baker, Barker, Brown of Steuben, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Donnell, Fancher, Fleming, Garrouette, Gordon, Herod, Hopkins, Hosmer, Hubbard, Kelly, Kirkpatrick, Lehman, March, Messick, Miers, Overmyer, Owen, Reed, Reichelderfer, Robinson, Scholl, Shanks, Shields, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Van Valzah, Vawter and Willard—41.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Copeland, Davis, Drake, Drover, English, Faulkner, Galbraith, Ginz, Handy, Harland, Hart, Hess, Humphreys, Huthsteiner, Johnston, Kester, Lindley, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Robeson, Rodman, Rooker, Schweitzer, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stucker, Taylor of Daviess, Vanpelt, Watson, Wimmer, Works and Mr. Speaker—52.

The minority report was not concurred in.

On the question on concurring in the majority report of the committee, Messrs. Reed and Tulley demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Campbell, Carey, Carter, Compton, Confer, Copeland, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Galbraith, Ginz, Harland, Hart, Hess, Humphreys, Huthsteiner, Johnston, Kester, Lindley, Mitchell, Nave, Osborn of Elkhart, Osborn



of Vermillion, Perry, Rooker, Scholl, Schweitzer, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stucker, Taylor of Daviess, Taylor of Warrick, Vanpelt, Wimmer, Works and Mr. Speaker—51.

Those who voted in the negative were: Messrs. Arnold of Wabash, Baker, Barker, Brown of Steuben, Caldwell, Connaway, Connor, Cunningham, Dailey, Dalton, Donnell, Fancher, Fleming, Garrouette, Gordon, Handy, Herod, Hopkins, Hosmer, Hubbard, Kelly, Kirkpatrick, Lehman, March, Messick, Miers, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Shanks, Shields, Stevens, Taylor of Lagrange, Thayer, Thornburg, Tulley, Van Valzah, Vawter, Watson and Willard—44.

The majority report was concurred in, and, on motion, the bill was ordered to be engrossed.

Mr. Lindley moved to take the report on House bill No. 471 from the table.

Which was agreed to.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill No. 396, "An act," etc. (see bill), have had the same under consideration and instruct me to report the same back, with the recommendation that it do lie on the table.

Report concurred in.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill No. 428, "An act," etc. (see bill), have had the same under consideration and have instructed me to report the same back, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill No. 606, have had the same under consideration and instruct me to report the same back, with the recommendation that the same do lie on the table.

Report concurred in.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill No. 543, have had the same under consideration and have directed me to report the same back to the House, with instructions that the bill be amended as follows, to-wit:

Amend section 1, line 29, by adding after the word "citizen" the words "and householder," and when so amended that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred Resolution No. —, by Mr. Saint, and amended by Mr. Overmyer, "To extend the right of suffrage to women over twenty-one years of age," have had the same under consideration and have instructed me to report the same back, with the recommendation that it do lie on the table, as under our constitution no new amendments can be proposed while other amendments are pending either before the General Assembly or the voters of the State.

Which report was concurred in.

Mr. Willard moved to take up House bill No. 344, and put it upon its passage.

Which was not agreed to.

Mr. Overmyer, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 637, direct me to report the same back, with the following amendments:

First. Strike out the words "one million," in lines five and six in section 1, and insert in lieu thereof the words "seven hundred" thousand."

Second. In line three of section 2, strike out the word "year," and insert in lieu thereof the following, "of the year 1879 and 1880."

Third. Strike out section 3 and in lieu thereof insert the following: Whenever the cash balance in the treasury, at the end of any month during the year 1879 or 1880, shall have been reduced below the sum of one hundred thousand dollars, and when on account of such reduction below the sum of one hundred thousand dollars a deficiency exists in the general fund of the treasury, it shall be lawful for the Governor, Secretary, Auditor and Treasurer of State, and the Attorney General to borrow on the credit of the State the sum of one hundred thousand dollars, to supply such deficiency in the general fund. And in no other case shall such state officers borrow any money on the credit of the State, except only to renew loans already existing. Such loans in such sums of one hundred thousand dollars, to supply such monthly deficiency, may be repeated, if the same should become necessary, until the debt contracted thereby shall have reached the sum of five hundred thousand dollars, and no more.

On making such loans bonds shall be issued, in the name of the State of Indiana, bearing interest not to exceed five per cent. per annum, payable at the pleasure of the State after five years, and for the payment of the principal and interest of such bonds the faith of the State is hereby irrevocably pledged.

Fourth. Strike out sections four and five.

When said bill shall have been so amended your committee recommend that the same do pass.

Mr. Willard, from the committee on ways and means, submitted the following minority report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 637, have considered the same and a minority of said committee would report the same back with the following amendments:

Strike out, in section 1, the words "one million" and insert the following: "for the years 1878 and 1880 two hundred and fifty thousand dollars each year; and no part thereof shall be appro-



priated for any labor done nor any materials received except for work done and materials furnished necessary to the work to be performed during the year for which the appropriation is made."

Strike out section 3 and insert the following:

Section 3. But it is hereby provided that the transfer of the funds of the general fund to the State House fund shall in no case be allowed to create a deficiency in the general fund, but whenever there shall be a balance of only one hundred thousand dollars in the general fund all payments from the general fund into the State House fund shall cease.

Strike out sections 4, 5, and 6.

And when so amended, a minority of the committee recommend that the bill do pass.

The question being upon concurring in the report of the minority, Messrs. Willard and Gordon demand the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Barker, Bearss, Bryant, Carey, Carter, Connaway, Cunningham, Davidson, Davis, Drake, Galbraith, Hart, Johnston, Kester, Kirkpatrick, Lindley, Mitchell, Osborn of Vermillion, Rooker, Shauck, Shields, Shutt, Taylor of Warrick and Willard—24.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Compton, Confer, Connor, Copeland, Dailey, Dalton, Donnell, Drover, Edwins, English, Fancher, Faulkner, Flodder, Garrouette, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Lehman, March, Messick, Miers, Nave, Osborn of Elkhart, Overmyer, Perry, Reed, Reichelderfer, Roberson, Robinson, Rodman, Scholl, Shanks, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thayer, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—69.

The minority report was not concurred in.

The question being on concurring in the majority report.

The same was agreed to.

Mr. Overmyer moved that the bill be considered engrossed and put upon its passage.

Which was agreed to.

Engrossed House Bill No. 637 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davis, Donnell, Drover, Edwins, English, Fancher, Faulkner, Flodder, Garrouette, Gordon, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Lehman, Lindley, March, Messick, Miers, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reichelderfer, Roberson, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—70.

Those who voted in the negative were: Messrs. Barker, Bearss, Bryant, Carter, Compton, Cunningham, Davidson, Drake, Galbraith, Handy, Harland, Hart, Kester, Kirkpatrick, Mitchell, Osborn of Vermillion, Shauck, Shutt, Stucker, Taylor of Warrick, Thayer and Willard—22.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Willard, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 189, have had the same under consideration and directs me to report it back to the House, with the recommendation that the bill do pass. .

Report concurred in and the bill ordered engrossed.

Mr. Willard, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 343, have had the same under consideration and directs me to report it back to the House, with the recommendation that the bill do lie on the table.

Report concurred in.

Mr. Willard, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 501, have had the same under consideration, and directs me to report it back to the House, with the recommendation that the bill do lie on the table.

Report concurred in.

Mr. Willard, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 323, have had the same under consideration and directs me to report it back to the House, with the recommendation that the bill do lie on the table.

Report concurred in.

Mr. Overmyer, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 331, introduced by Mr. Overmyer, have had the said bill under consideration and have instructed me to report the same back to the House, with the following amendments:

Strike out all after the enacting clause in section 1 and insert in lieu of the part so stricken out the following: Township trustees may, with the advice and concurrence of the board of county commissioners at the June session of such board, levy the following taxes and none other, to-wit:

For road tax, not to exceed ten cents on the one hundred dollars.

For special school tax, not to exceed ten cents on the one hundred dollars.

For special tuition tax, not to exceed ten cents on the one hundred dollars, and ten cents on each poll for each of said purposes.



In case such trustee and commissioners do not concur as to the amount of such levies then such board of commissioners shall fix the amount of such levies: *Provided*, That none of said taxes herein named shall be levied by such trustee or boards of commissioners against any property, real or personal, within the limits of any incorporated city; but the provisions of this act shall not apply to school trustees other than trustees of townships.

Amend further by adding the following section:

Section 5. Emergencies exist for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

And when said bill shall have been so amended your committee recommend that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 558, have had the same under consideration and direct me to report it back to the House, with the recommendation that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 545, the same being a bill to provide for the purchase of certain lands, etc., have had the same under consideration and direct me to report it back to the House, with the recommendation that the bill do lie on the table.

Report concurred in.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR..SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 70, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do lie on the table.

Report concurred in.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred the amendment to House bill No. 68, by Mr. Lindley, have had the same under consideration and directs me to report it back to the House, with the recommendation that the amendment do lie on the table.

Report concurred in.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 559, have had the same under consideration and direct me to report the same back, with the recommendation that the bill do lie on the table.

Report concurred in.

Mr. Overmyer, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 638, recommend that the bill be amended as follows: By striking out the third section and changing the numbers of sections 4 and 5 to conform to this amendment.

Also, strike out all after the word "whereas" in line one of section 5, to the word "three" in line four of the same section, and when so amended that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. March, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 492, have had the same under consideration and directs me to report it back to the House, with the recommendation that the bill do lie on the table.

The report was concurred in.

Mr. March, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 567, have had the same under consideration and directs me to report it back to the House, with the recommendation that the bill do lie on the table.

Pending the consideration of the same, on motion of Mr. Overmyer, the House adjourned until 2 o'clock. P. M.

---

## AFTERNOON SESSION.

FEBRUARY 28, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Report of committee on ways and means on House bill No. 567, pending at adjournment, was resumed.

The question being, on concurring in the report.

Messrs. Humphreys and English demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carter, Compton, Confer, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Handy, Harland, Hart, Hess, Hopkins, Hubbard, Humphreys, Kelly, Kester, Kirkpatrick, Lindley, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Reichelderfer, Scholl, Schweitzer, Shanks, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warlick, Thayer, Vanpelt, VanValzah, Willard, Wimmer and Mr. Speaker—64.



Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Brown of Steuben, Carey, Conna-way, English, Fancher, Ginz, Gordon, Herod, Hosmer, Huth-steiner, Johnston, Lehman, Messick, Owen, Robeson, Rodman, Robinson, Saint, Shauck, Skinner, Sleeth, Tulley, Vawter, Watson and Works—29.

The report was concurred in.

Mr. Faulkner presented a petition from the citizens of Ripley county.

Which was referred to the committee on temperance.

Mr. Gordon, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 89, have had the same under consideration and instructed me to report the same back to the House, with the following amendments, to-wit:

Amend section 4 of said bill so as to read as follows, to-wit:

Section 4. Every person who shall wilfully resist, hinder, or delay the execution of any lawful process or order of any court of record, shall be guilty of an indirect contempt of said court, and every person who shall offer, give, or promise any reward, or who shall threaten to assault or injure, or shall assault or beat, or in any other manner whatever influence or intimidate, or attempt to influence, any witness to give or abstain from giving testimony in any case, or to abstain from attending as such witness in any case, or who shall do any act to put such witness in fear on account of any testimony which he or she may have given, or who, on account of any such testimony, shall injure, or threaten to injure, such witness, shall be guilty of a direct or indirect contempt of the court in which such witness may be called to testify, according as the same may be done in presence of said court, or elsewhere out of the presence thereof.

Amend the bill further by striking out section 6 thereof, and by renumbering the following sections, so as to make the numbers thereof consecutive from first to last.

Amend said bill by striking out of line 6, in section 7 thereof, as it now stands, the word "one," and inserting in lieu thereof the word "five," and by striking out the words "the court in which judgment awarding the same was imposed," in lines 8, 9 and 10 of

said section 7, and inserting in lieu thereof the words "three months;" and amend said section further by striking out of the same the proviso concluding the same; and amend further by striking out all that portion of section 10 thereof, as said sections are now numbered, embraced in lines 17, 18, 19, 20 and 21, "and therein," of line 22 of said section.

And when so amended they recommend that the bill do pass.

Which report was concurred in, and the bill as amended ordered to be engrossed.

Mr. Gordon, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 537, have had the same under consideration, and have instructed me to report the same back to the House, with a recommendation that the same be indefinitely postponed.

Which report was concurred in.

Mr. Gordon, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred engrossed Senate bill No. 65, instruct me to report the same back, with the following amendment:

Amend Senate bill No. 65 by striking out all after the enacting clause and inserting the following, to-wit:

That any person who shall be guilty of a false and malicious injury to the good name of another by any means other than by words orally spoken, shall, upon conviction thereof, be fined in any sum not less than twenty-five dollars nor more than two thousand dollars, or imprisonment in the county jail for any determined period of time not less than ten days nor more than one year, or both fine and imprisonment in the sum and for the period aforesaid, in the option of the jury or court trying the case.

Sec. 2. Every person who shall by words falsely and maliciously spoken charge any woman or woman child of the age of ten years or upwards thereof, with any act, condition or character implying that such woman or woman child has been guilty of sexual intercourse, in an immoral or unlawful manner shall be deemed guilty of criminal slander, and upon conviction thereof shall be fined in any



sum not less than twenty-five dollars nor more than five thousand dollars, or imprisonment in the county jail for any period of time not less than ten days nor more than twelve months, or both fined and imprisoned within the limits aforesaid, in the discretion of the jury or court trying the case.

Sec. 3. If the jury or court trying any case of libel or criminal slander shall be satisfied that the defendant or defendants falsely and maliciously made and published such libel or slander without any foundation, in fact, therefor, may add to either one or both of the penalties aforesaid in their finding or verdict that the defendant or defendants shall be held infamous and disfranchised and rendered incapable of giving testimony in any action or proceedings whatever for not less than three years nor more than twenty-one years, according to the circumstances of the case.

Sec. 4. To sustain a charge of publishing a libel it shall not be necessary to prove that the words complained of should have been read by any person, but shall be sufficient to prove that the defendant knowingly parted with the immediate custody of the libel under such circumstances as exposed it to be read by any other person than himself.

Sec. 5. Every author, writer and proprietor of any book, newspaper, or serial publication; and each member of any partnership or incorporated association by whom any such book, newspaper or serial publication may be issued, shall be chargeable with and responsible for any word contained in any part of such book, or number of such newspaper or serial.

Sec. 6. No reporter, editor or proprietor of any newspaper or serial publication, shall be liable to any prosecution for any fair and true report of any judicial, legislative, or other public official or unofficial proceedings, or of any statement, speech, agreement, or debate in the course of the same.

Sec. 7. Libellous remarks or comments connected with matter privileged by the last preceding section, shall receive no protection or privilege by reason of their being so connected.

Sec. 8. Every person who shall threaten another to publish any libel or criminal slander concerning him or any, parent, wife or child of any such other person, or any member of his family, shall be guilty of a misdemeanor, and on conviction thereof shall be



fined in any sum not less than five nor more than one hundred dollars, and when so amended they do recommend that it do pass.

Which report was concurred in and the amendments ordered engrossed.

Mr. Gordon, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 527, introduced by Mr. Cauthorn, have had the same under consideration and have instructed me to report the bill back to the House, and recommend that the same do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 216, beg leave to report that they have had said bill under consideration, and recommend that it be amended as follows, viz: Strike out the word "having," in line 7 of section 1, and insert "by virtue of his employment shall have." Strike out the words "or to the possession of which his or her employer or employers is or are entitled," in lines 9, 10 and 11 of section 1, and insert "belonging to his employers, or to the possession of which they are entitled." Insert after the word "any," in line 19 of section 1, the word "such." Strike out the words "belonging to or deposited with, or held by such person or persons, or corporation or association in whose employment said officers, agent, attorney or employe may be," in lines 21, 22, 23, 24 and 25 of section one. Insert after the word "the," in line 10 of section 2, the words "proper and lawful."

And that when so amended the bill do pass.

On motion of Mr. Sleeth, the report was laid on the table.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 146, introduced by Mr. Tulley of Whitley, beg leave to report that they have had the same under consideration and recommend that said bill be amended as follows, viz:

Strike out the words "or persons, company, corporation or association," in lines 4 and 5 of section 1.

And strike out the words "or persons, company, corporation or association," in lines 14 and 15 of said section 1.

And strike out the words "or persons, company, corporation or association," in lines 16 and 17 of section 1.

And strike out the word "now," in line 18 of section 1.

And strike out the words "or persons, company, corporation or association," in lines 21 and 22 of section 1.

And strike out the words "or persons, corporation, company or association," in lines 23 and 24 of section 1.

And insert after the word "thereof" in line 25 of section 1, the following words, viz: "And stating the full and fair value of each item contained in said schedule."

And strike out the word "her or their" in line 26 of section 1.

And strike out the word "them" in line 33 of section 1, and insert in lieu thereof the word "him."

And strike out the word "they" in line 33 of section 1, and insert in lieu thereof the word "he."

And further amend by adding to section 1 the following words: "And that the value of each item thereof, as set forth in said schedule, is the true, fair value of the same."

"The word person, as used in this act, shall be held to mean and include any company, corporation or association."

And further amend said bill by striking out all of sections 2, 3, 4 and 5, and inserting in lieu thereof the following, viz:

Sec. 2. Any person refusing to give such itemized schedule as required by this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail for any period not less than thirty days nor more than three months, and shall be fined in any sum not exceeding five hundred dollars.

And when so amended your committee recommend that the bill do pass.

Mr. Tulley moved that the report do lie on the table.

On which motion Messrs. Tulley and Wimmer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Blockley, Bryant, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Drake, Drover, Edwins, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Lindley, Messick, Miers, Mitchell, Nave, Overmyer, Perry, Reed, Reichelderfer, Robeson, Rooker, Schweitzer, Shanks, Shauck, Shields, Snoddy, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Tulley, Van Valzah, Vawter, Willard and Works—57.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Dalton, Donnell, English, Herod, Hosmer, Humphreys, Kester, Lehman, March, Osborn of Elkhart, Osborn of Vermillion, Owen, Robinson, Rodman, Saint, Scholl, Shutt, Skinner, Stevens, Taylor of Lagrange, Vanpelt, Watson, Wimmer and Mr. Speaker—32.

The report was laid on the table.

Mr. Tulley moved that the bill be recommitted to the same committee, with instructions to report on Monday at 2 o'clock P. M.

Mr. Works moved to lay the motion on the table.

On which motion Messrs. Tulley and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Briggs, Brown of Jasper, Brown of Steuben, Carey, Compton, Connaway, Connor, Copeland, Davidson, Davis, Donnell, Edwins, English, Fancher, Faulkner, Ginz, Gordon, Hart, Herod, Hopkins, Humphreys, Johnston, Lehman, Messick, Osborn of Elkhart, Overmyer, Owen, Robeson, Robinson, Rooker, Shanks, Sleeth, Snoddy, Stevens, Vanpelt, VanValzah, Vawter, Works and Mr. Speaker—42.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Bearss, Blockley, Bryant, Caldwell, Campbell, Carter, Confer, Cunningham, Dailey, Dalton, Drake, Drover, Fleming, Flodder, Galbraith, Garrouette, Handy, Harland, Hess, Hosmer, Hubbard, Huthsteiner, Kelly, Kester, Kirkpatrick, Lindley, March,



Miers, Mitchell, Nave, Osborn of Vermillion, Perry, Reed, Reichelderfer, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Stucker, Taylor of Lagrange, Taylor of Warrick, Tulley, Watson, Willard and Wimmer—51.

The motion to lay on the table was not agreed to.

Mr. March offered the following amendment:

That the committee be instructed to strike out the second, third and fourth sections of the original bill.

Which was accepted.

The motion to recommit was agreed to with instructions.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred engrossed Senate bill No. 50, have had the same under consideration and have instructed me to report it back to the House and recommend that that the same do lie on the table.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred engrossed Senate bill No. 12, have had the same under consideration and have instructed me to report it back to the House and recommend that the same do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred engrossed Senate bill No. 353, have had the same under consideration and have instructed me to report the same back to the House and recommend that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred engrossed Senate bill No. 16, have had the same under consideration and have instructed me to report the same back to the House, with the recommendation that the same do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 416, introduced by Mr. Thayer, have had the same under consideration and have instructed me to report the same back to the House, with the recommendation that the bill do lie on the table, as there is another bill before the House on third reading of the same character.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 470, introduced by Mr. Handy, have had the same under consideration and have instructed me to report the same back to the House and recommend that the bill do lie on the table.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 500, introduced by Mr. Works, have had the same under consideration, and have instructed me to report the same back to the House and recommend that the bill do lie on the table.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 316, introduced by Mr. Copeland, have had the same under

consideration and have instructed me to report the same back to the House, with the recommendation that the bill do lie on the table.

Report not concurred in and bill ordered engrossed.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 319, have had the same under consideration, and have instructed me to report back to the House, and recommend that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 129, have had the same under consideration and have instructed me to report the same back to the House and recommend that the bill be indefinitely postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 40, introduced by Mr. Faulkner, have had the same under consideration and have instructed me to report the same back to the House, with the recommendation that it be indefinitely postponed.

Report not concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 458, introduced by Mr. Donnell, have had the same under consideration and have directed me to report the same back to the House and recommend that the same be indefinitely postponed.

Report concurred in.



Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 504, introduced by Mr. Stucker, have had the same under consideration and instructed me to report the same back to the House, with the recommendation that it be postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 249, introduced by Mr. Schweitzer, have had the same under consideration and have instructed me to report the same back to the House and recommend that it be indefinitely postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 230, introduced by Mr. Stucker, have had the same under consideration and have instructed me to report it back to the House and recommend that the bill do lie on the table.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 327, introduced by Mr. Lehman, have had the same under consideration and have instructed me to report back to the House and recommend that the bill do lie on the table.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 244, introduced by Mr. Overmyer, have had the same

under consideration and have instructed me to report it back to the House and recommend that the bill do lie on the table.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 224, have had the same under consideration, and have instructed me to report back to the House and recommend that the same be indefinitely postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 205, introduced by Mr. Arnold, have had the same under consideration and have instructed me to report back to the House and recommend that the bill do lie on the table.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 156, have had said bill under consideration and they herewith return the same to the House and recommend that it be indefinitely postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 220, by Mr. Allen, have had the same under consideration and have instructed me to report back to the House and recommend that the bill do lie on the table.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 145, introduced by Mr. Owen, have had the same under consideration and have instructed me to report the same back to the House and recommend that the bill do lie on the table.

Report concurred in.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 166, introduced by Mr. Davidson, have had the same under consideration and have instructed me to report back to the House and recommend that the bill be indefinitely postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 176, introduced by Mr. Saint, have had the same under consideration and have instructed me to report back to the House and recommend that the bill do lie on the table.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 121, introduced by Mr. Allen, have had the same under consideration and have instructed me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 305, introduced by Mr. Kelly, have had the same under consideration, and have instructed me to report back to the House and recommend that the bill do lie on the table.

Report concurred in.



Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 184, introduced by Mr. Works, have had the same under consideration and have instructed me to report the bill back to the House and recommend that the same do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 403, introduced by Mr. Allen, have had the same under consideration and have instructed me to report the bill back to the House, with the recommendation that it do lie on the table.

Report concurred in.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 355, by Mr. Sleeth, have had the same under consideration and have instructed me to report the bill back to the House and recommend that the same do pass.

Report concurred in and the bill ordered engrossed.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 258, have had the same under consideration, and have instructed me to report the bill back to the House, with the recommendation that the bill be amended as follows: Add to the title words, *Provided*, That no costs of the original proof of said claim prior to a refusal to allow the same shall be charged against said estate; and that when so amended the bill do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 67, have had the same under consideration and recommend that said bill be amended as follows:

First. Strike out all after and including the word "or," in the thirteenth line of said bill, down to and including the word "such," in the eighteenth line of the same; and that after said amendment is made they recommend the passage of the bill and direct me to so report to the House.

Which report was concurred in and the bill as amended ordered engrossed.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 266, have had the same under consideration and recommend that the bill shall be amended as follows:

Strike out of the 24th, 25th and 26th lines of the first section of the bill the words "not less than one hundred dollars nor more than one thousand," and insert the words "an amount not exceeding the value of the property mortgaged," and when so amended the bill do pass.

Report concurred in and bill as amended ordered engrossed.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 69, direct me to report the same back, recommending that it be laid upon the table.

Report concurred in.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 389, recommend that the bill do pass.

Report concurred in and bill ordered engrossed.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House-bill No. 218, introduced by Mr. Schweitzer, have had the same under consideration and have instructed me to report it back to the House, and recommend that the bill do lie on the table.

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House-bill No. 85, have had the same under consideration and direct me to report the bill back and recommend that the accompanying amendment be added to the second section and when so amended that it do pass:

Add to the second section the following:

But nothing in this act shall be so construed as to prevent employes and laborers from holding public meetings and public discussions and consulting and acting in concert for the purpose of procuring a fair compensation for their labor, or for any other lawful purpose.

Which report was concurred in and the bill ordered engrossed.

Mr. Miers, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House-bill No. 108, have had the same under consideration and direct me to report the same back to the House, with the recommendation that section 1 be amended by adding the following proviso, to-wit:

*Provided*, That this act shall not apply to any case where the same person has filed his sworn statement of the grounds of his contest of election to the same office in more than one county, and when so amended it do pass.

Which report was concurred in and the bill ordered engrossed.



Mr. March, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee on the judiciary, to whom was referred House resolution No. 10, directing an inquiry into the constitutionality and expediency of exempting disabled soldiers from the payment of poll tax in certain cases, have had the same under consideration and directed me to recommend the passage of the accompanying bill :

House Bill No. 639, introduced by the judiciary committee, "A bill to exempt disabled soldiers from a poll tax in certain cases, and supplemental to the seventh section of an act entitled an act to provide for the uniform assessment of property and for the collection of taxes thereon, approved December 21, 1872."

Read the first time.

Mr. March, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee on the judiciary, to whom was referred House bill No. 518, have had the same under consideration and directed me to report the same back and recommend that it lie on the table..

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee on the judiciary, to whom was referred House bill No. 279, have had the same under consideration and directed me to report the same back and recommend that it lie on the table..

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 533, have had the same under consideration and direct me to report the same back and recommend that it lie on the table.

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred Senate bill No. 158, have had the same under consideration and a majority have directed to report the same back and recommend that the accompanying amendment be made in section 4, before the word "provided," and when so amended that it do pass.

Insert in the fourth section, immediately before the word "provided," the following:

Nor shall a married woman become surety for her husband or for any other person, nor shall she have power as such surety, either with or without her husband, to mortgage or in any manner to incumber her separate property, either real or personal, and all contracts and mortgages made by a married women as surety for any debt or liability of her husband or other person shall be absolutely void.

Report concurred in and the bill ordered engrossed as amended.

Mr. Overmyer, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred engrossed Senate bill No. 254, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill do lie upon the table.

Report concurred in.

Mr. Dailey, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred engrossed Senate bill No. 60, have had the same under consideration and a majority of said committee report the same back to the House, with the recommendation that said bill do pass.

Which report was concurred in.

Mr. Dailey, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred House bill No. 618, by Mr. Robinson, "An act to amend an act entitled an act to authorize the board of commissioners to appoint

justices of the peace," etc., have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Herod, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred House bill No. 526, direct me to report it back, recommending that the bill be amended as follows:

Amend the title so as to read as follows: An act providing what counties shall constitute the sixth and seventh judicial circuits, prescribing the time of holding courts therein and providing for the transaction of business in said counties, and declaring an emergency..

Strike out all after the enacting clause and insert the following:

Section 1. The counties of Jennings and Scott shall constitute the sixth circuit.

Sec. 2. The counties of Ripley, Dearborn and Ohio shall constitute the seventh circuit.

Sec. 3. The terms of the circuit court in the sixth circuit shall be held in the county of Jennings on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November in each year, and in the county of Scott on the Mondays succeeding the courts in the county of Jennings. The courts in the county of Jennings shall continue four weeks, and in the county of Scott three weeks, if the business require it.

Sec. 4. The terms of said court in the seventh circuit shall be held in the county of Ripley on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November in each year; in the county of Ohio on the Mondays succeeding the courts in the county of Ripley, and in the county of Dearborn on the Mondays succeeding the courts in the county of Ohio. The courts in the county of Ripley shall continue three weeks, in the county of Ohio two weeks, and in the county of Dearborn six weeks, if the business require it.

Sec. 5. All writs, subpoenas, venires, rules, order of court, recognizances, publications and processes whatever which may heretofore have been issued and made returnable to any of the terms of the courts in said counties now constituted, are hereby made returnable to the first day of the terms of court as provided for in this act.



Sec. 6. All laws or parts of laws in conflict with this act are hereby repealed.

Sec. 7. An emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

And when so amended they recommend that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts of justice, to whom was referred House bill No. 610, by Mr. Stucker, entitled "An act to legalize certain acts of trustees of Paoli," etc., have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill do pass.

Report concurred in and the bill ordered engrossed.

The following report from the committee on prisons was presented:

MR. SPEAKER:

Your committee on the affairs of prisons, to whom was referred engrossed Senate Bill No. 27, have had the same under consideration, and direct me to report the bill back to the House, with the recommendation to amend as follows:

Strike out of line 6, page 5, of section 3, the word "three" and insert the word "five." Strike out of line 13, page 6, section 4, the words "satisfactory to them."

Strike out of lines 3 to 5, page 7, section 4, the words "and may be suspended from authority as Warden during such inquiry."

Strike out of line 4, page 8, section 4, the word "ten" and insert the word "thirty."

Insert in line 13, page 16, section 9, after the word "employe," the words "or other person."

Insert in line 16, page 18, section 11, after the word "bell," the words "for not more than ten hours each day."

Insert in line 1, page 20, section 11, after the word "bidder," the words "for not less than fifty cents per day for each able-bodied adult."

Strike out of line 3, page 21, section 12, all after the word "well," and insert in line 4, on same page and section, after the words "per cent.," the following words, "of the value of each day's labor actu-

ally performed by such convict to be computed on the average rate per day paid by contractors for convict labor in the prison."

Insert in line 4, page 22, section 12, after the word "proper," the words "that any such percentage shall, when so deducted, remain the money of the State, unless credited to such convict as hereinafter provided."

Insert in line 2, page 34, section 18, after the word "convicts," the words "nor shall any contractor or any employe of any contractor or any other person, make any gift or present to a convict or barter or deal with any convict."

Insert after the word "jurisdiction," in lines 10 and 11, page 34, section 18, the words "and such contractor, agent, employe or other person shall be expelled from such prison and shall not again be permitted to enter the same."

Insert in line 16, page 36, section 19, after the word "prison," the words "he shall for the first offense forfeit two days, for the second offense four days, for the third offense eight days, and for the fourth offense sixteen days, and for the further offenses."

Add to section 19, page 37, the words, "if any such convict shall pass the entire period of his sentence without any violation of the rules and discipline, he shall be entitled to a certificate thereof from the warden, and on presentation of said certificate to the Governor he shall be restored to citizenship."

Insert after the word "elected," in line 17, page 42, section 26, the words "and the warden of either prison, North or South, who has been elected for a term of years, is hereby continued in office until the expiration of the term for which he was elected."

Also amend section 10, page 18, in line 9, by striking out "two" after the word "every," and by striking out, in the same line, "s," at the end of the word "months;" and when so amended your committee recommend the bill do pass.

Which report was concurred in.

Mr. Carter offered the following amendment:

To add blank section. That stores bought for the use of the state prison shall not be sold or taken on account by the wardens or any employes, person or persons whatsoever. If any stores should become unsuitable for use of said prison they may be disposed of according to law by any act of prison directors, and a violation of any of the above provisions, when proven on wardens or his deputies, shall subject them to a dismissal from their offices.

Which was adopted.

Mr. Huthsteiner was excused from acting on the committee on investigating the Auditor of State's office, and the Speaker appointed Mr. Miers in his place.

Mr. Herod moved that the House reconsider its action on ordering a select committee on investigating State Auditor's office.

Mr. Miers moved the previous question.

On which question Messrs. Sleeth and Reed demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Briggs, Brown of Jasper, Caldwell, Compton, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Hart, Herod, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Scholl, Schweitzer, Shutt, Skinner, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—50.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Brown of Steuben, Bryant, Campbell, Carey, Carter, Confer, Connaway, Connor, Donnell, Fancher, Handy, Harland, Hess, Hopkins, Kelly, Lindley, March, Messick, Osborn of Vermillion, Overmyer, Reed, Robeson, Robinson, Rodman, Saint, Shanks, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—41.

The previous question was seconded.

The question being, shall the main question be now put?

Messrs. Overmyer and Sleeth demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Scholl,



Schweitzer, Shauck, Shutt, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—53.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Confer, Connaway, Connor, Donnell, Fancher, Harland, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Reed, Robeson, Rodman, Saint, Shanks, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Vawter, Watson, Wimmer and Works—37.

The main question was ordered to be put.

The question being on Mr. Herod's motion to reconsider.

Messrs. Overmyer and Sleeth demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Scholl, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah and Willard—47.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Donnell, Fancher, Harland, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, March, Messick, Osborn of Vermillion, Overmyer, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer, Works and Mr. Speaker—48.

The motion to reconsider was not agreed to.

Mr. Barker moved that two more members be added to the special committee on Auditor of State investigation.

Which was agreed to.

The Speaker appointed Messrs. Osborn of Elkhart and Humphreys.

The following report was submitted from the committee on prisons :

MR. SPEAKER :

Your committee on affairs of prisons submit the following as their report of the condition, management and improvements necessary at the Prisons North and South. After as careful examination of those institutions as the limited time allotted your committee would admit, we find that the sanitary condition of both prisons is good, and when the necessarily over crowded condition of the Prison South is considered it is much better than could be expected. The ratio of disease and death in both prisons is much less than in many sections of the State. The food furnished the convicts is of a good quality, well cooked, wholesome and furnished in abundance. The clothing is of a good quality and comfortable. The beds are in a fair condition—as good probably as is possible in the over crowded condition they are of necessity placed. The discipline is, of necessity, rigid. The vicious class of men usually confined in such institutions renders any other discipline impracticable, and the management has been efficient in all respects.

Your committee would further report that owing to the many vague and indefinite charges preferred against Mr. Howard, Warden of the Prison South, your committee made an earnest effort to determine if they were true; and in order that we might arrive at the facts in regard to the charges made, your committee subpoenaed and examined forty-one witnesses whose names were handed us.

Mr. Howard not only did his duty, in conformity to law and custom, but used good judgment, sound discretion, and conscientiously aimed to do his duty. It is the opinion of your committee, deduced from the evidence, which is filed herewith and made a part of this report, that the charges are not true in fact, but that they are the result of the fruitful imagination of those who are not acquainted with and have made no effort to arrive at the facts.

The short time allotted your committee did not enable us to make a careful examination of the accounts of these institutions, but it is our opinion that the gas used at the Prison South, when compared with the lighting of the Prison North, is too expensive.

Your committee would further report that there is not sufficient cell-room for the convicts in the Prison South, and that of necessity the Warden is compelled to place cots and beds in the corridors of the prison, in the chapel, and over the store-house, which not only

has a tendency to propagate disease but is very unsafe. The majority of the cells, as they are now constructed, are poorly ventilated, and in our opinion it is of vital importance that an appropriation should be made, not only to build new cells but to remodel the old ones, or else a transfer of not less than two hundred convicts in the Prison South be made to the Prison North, where there are that many empty cells.

Your committee is of the opinion that it would be to the best interests of the State, in case such transfer be made, to build additional work-houses at the Prison North sufficient, at least, to accommodate one hundred convicts.

Your committee would further recommend that cells especially designed to confine insane convicts be built, and that a crib be built at the gates of the Prison North, which would secure the guards against an attempted escape of convicts, while passing in or out of the gates.

Your committee found the system of sewerage at the Prison South bad, and we are of the opinion that a new sewer ought to be made from the prison directly to the Ohio river, and we would recommend that the improvement be made by the use of convict labor if possible.

It is the opinion of your committee that it is of the utmost importance that new wash and bath-rooms be built at the Prison North. At present the provisions made for washing convicts, who often come there afflicted with syphilis, gonorrhea, gleet, and other dangerous and infectious diseases, is performed in the rooms where all convicts are compelled to wash. This has a tendency to spread the disease and to prevent bathing, and your committee has no doubt propagates these most loathsome diseases.

Your committee would further recommend that at least five hundred dollars be appropriated for libraries at both prisons.

Which report was concurred in.

Mr. Allen, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of the heirs of John P. Dunn, have had the same under consideration and direct me to report it back to the House, and as the claim involves a legal question, that the same be referred to the committee on the judiciary.

Report concurred in.



Mr. Allen, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Reuben P. Main for \$1,974.12 against the State on account of the State Prison South, have had the same under consideration and report it back to the House, with the recommendation that the claim be allowed.

Which report was concurred in.

Mr. Handy, from the committee on claims, submitted the following minority report:

MR. SPEAKER:

Not being able to concur with the majority of the committee on claims, to whom was referred the claim of Reuben P. Main, in their report recommending that the claim be allowed, for the reason that, in our opinion, the debt upon which the claim is based was contracted without authority of law, and, for the further reason, that the claim was acted upon and rejected by a special commission, created by a former General Assembly, for the purpose of adjusting the claims against the Southern prison. I am compelled to recommend that the claim be rejected.

The report was not concurred in.

The question being on concurring in the majority report, Messrs. Faulkner and Shutt demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Conaway, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Flodder, Galbraith, Hart, Herod, Hess, Kelly, Lindley, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Skinner, Snoddy, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Vawter, Willard, Wimmer and Works—53.

Those who voted in the negative were: Messrs. Briggs, Brown of Steuben, Compton, Connor, Cunningham, Davidson, Fancher, Faulkner, Galbraith, Handy, Hopkiss, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, March, Messick, Osborn of Elk-

hart, Rooker, Shauck, Shields, Shutt, Sleeth, Stevens, Taylor of Lagrange, and Mr. Speaker—27.

The majority report was concurred in.

Mr. Overmyer moved to reconsider the vote by which House bill No. 380 was ordered engrossed, and asked that the motion be entered on the Journal.

On motion, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## SATURDAY MORNING.

MARCH 1, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The Journal was read in part, when, on motion of Mr. Faulkner, the further reading thereof was dispensed with.

Mr. Wimmer from the committee on claims submitted the following report.

MR. SPEAKER:

Your committee on claims to whom was referred House bill No. 420, the same being an act for the relief of Alexander Inglis, have had the same under consideration, and direct me to report it back to the House with the recommendation that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Allen, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of B. Rosenthal & Co., for money as indorsers of the paper of the South-western Car Company, on account of the State Prison South, have had the same under consideration and report it back, with the recommendation that the claim be allowed.

Mr. Handy, from the committee on claims, submitted the following minority report:

MR. SPEAKER:

Not being able to concur in the report of the majority of the committee on claims on the claim of B. Rosenthal & Co., for the reason that in my opinion the debt on which the claim is based was contracted without authority of law, and for the further reason that this claim was considered and rejected by a special committee created for the purpose of examining and adjusting this class of claims.

Mr. Dailey moved that both reports do lie on the table.

Which was agreed to.

Mr. Dailey moved to reconsider the vote by which the claim of R. P. Mains was allowed.

Mr. Wimmer, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of David Waddle for \$63.00 for teaming for the "Indiana Legion" in the years of 1864 and 1865, have had the same under consideration and direct me to report it back to the House, with the recommendation that it be rejected.

Report concurred in.

Mr. Wimmer, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Samuel B. Gookins, receiver of the board of commissioners of the Wabash and Erie Canal, for \$3,757.52, for attorney's fees and costs in suits, have had the same under consideration and direct me to report it back to the House with the recommendation that the claim be rejected.

Report concurred in.

Mr. Osborn, of Elkhart, moved to reconsider the vote on Senate bill No. 65.

Mr. Miers moved that the claim and report on the claim of S. B. Gookins be referred to the committee on the judiciary.

Which was agreed to.



Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of James B. Ryan and Henry Solomon for the refunding of \$100 purchase money and interest thereon from the sixteenth day of November, 1874, have had the same under consideration and direct me to report it back to the House, with the recommendation that said purchase money be refunded, with twelve dollars interest thereon, based on the following facts, as appears from certificates of the Auditor of State, and the clerk of the circuit court of Benton county:

On the fifteenth day of September, 1854, one Andrew Scott purchased the northwest quarter of the southwest quarter and the southeast quarter of the southwest quarter of section 12, township 24, range No. 9 west, in Benton county, from the State of Indiana, as swamp lands, and Joseph A. Wright, then Governor, issued a patent for the same to said Scott. In 1874 Attorney General Buskirk examined into the status of said land and decided that the State had never received any pay from Scott for said land, and thereupon Ryan and Solomon purchased the same, receiving a patent from Thomas A. Hendricks, then Governor, both of which patents are of record.

On the 20th day of January, 1876, one Williams and wife brought suit against Ryan and Solomon in the Benton circuit court to quiet title to said land in themselves, claiming title under Scott, who obtained the first patent. On the trial of the cause it was determined that said Scott had fully paid for the land, consequently the opinion of the Attorney General was erroneous and the last sale to Ryan and Solomon was wrongful. The State having wrongfully obtained the purchase money from Ryan and Solomon should refund it with interest; but as this claim should have been presented to the General Assembly of 1877, no interest should be allowed for the last two years. Mr. James B. Ryan disclaims having any real interest in this claim, he certifying that Henry Solomon paid all the purchase money. The committee recommends that the Auditor of State be authorized to draw his warrant on the Treasurer of State in favor of Henry Solomon for one hundred and twelve dollars, in full satisfaction of said claim across the face of record of the patent issued to him by Governor Hendricks for said land on the 2d day of August, 1875.

Which report was concurred in. . .

Mr. Shutt, from the committee on claims, submitted the following report.

MR. SPEAKER:

Your committee on claims to whom was referred House bill No. 494, the same being for the relief of Joel S. Davis, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do not pass.

Report concurred in.

Mr. Handy, from the committee on claims, submitted the following report.

MR. SPEAKER:

Your committee on claims, to whom was referred the claims of R. C. Arnold, sheriff of Dearborn county, for services rendered the Morgan Raid Commission in said county, have had the same under consideration and direct me to report it back to the House, with the recommendation that it be rejected.

Report concurred in.

Mr. Nave, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of H. Frank & Co., for stools, desk and office table furnished present House, have had the same under consideration and direct me to report it back to the House, with the recommendation that it be referred to the Doorkeeper of the House and if certified to be correct and just by him, that it be allowed.

Report concurred in.

Mr. Nave, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Murphy, Johnson & Co., for balance of \$422.22, on account of House of Refuge at Plainfield, have had the same under consideration and direct me to report it back to the House, with the recommendation that the claim be rejected.

Report concurred in.

Mr. Sleeth moved to reconsider the action of the House in concurring in the report of the committee and engrossing House bill No. 108.

Mr. Vanpelt moved to reconsider the vote on engrossing House bill No. 331.

Mr. Handy, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of George W. Lawrence, of Lake county, for the refunding of fifty dollars and interest thereon, for land purchased of the State in the year 1859, have had the same under consideration and direct me to report it back to the House, with the recommendation that the claim be rejected.

Report concurred in.

Mr. Handy, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred House bill No. 190, "A bill for the relief of Morgan raid sufferers," have had the same under long and careful consideration. In the opinion of the committee these claims should be paid by the General Government, as was done in the case of a large number of similar claims in the State of Ohio. The action of a former General Assembly in providing for a commission to investigate these claims, and the report of the commission so authorized, and which did investigate them, has given to them all the State indorsement necessary to entitle them to the consideration of the General Government; and so far as this committee is able to learn, they have received fully as much State recognition as was received by similar claims paid by the General Government to citizens of Ohio. The citizens of Indiana are certainly entitled to as much consideration at the hands of the General Government as the citizens of Ohio or any other State, and it would be manifestly unjust for our State to assume the payment of a class of claims already recognized by the General Government as chargeable upon the treasury of the United States. I am directed to report the bill back to the House, with the recommendation that it do not pass.

Report concurred in.



House Joint Resolution No. 21. Introduced by Mr. Vawter, entitled "A joint resolution in regard to certain claims of citizens of the State of Indiana."

On the adoption of the resolution the ayes and noes were called.

Those who voted in the affirmative were: Messrs. Aiden, Allen, Arnold of Grant, Barker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Cunningham, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Handy, Harland, Hart, Herod, Hess, Hopkins, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Vanpelt, VanValzah, Vawter, Wimmer, Works and Mr. Speaker—71.

Those who voted in the negative were: Messrs. Arnold of Wabash, Briggs, Bryant, Carter, Dailey, Galbraith, Garrouette, Ginz, Hosmer, Lehman, Owen, Saint, Scholl, Taylor of Warrick, Watson and Willard—16.

The resolution was adopted.

Mr. Lindley presented a petition from the citizens of Hamilton county.

Which was referred to the committee on temperance.

Mr. Robeson was granted leave of absence.

Mr. Wimmer, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the claim of Orange county, for expenses incurred in the prosecution of Alonzo B. Jones, Lee Jones, Eli Lowery, Milton P. Toliver and Thomas Toliver, for the murder of Thomas Moody, in Orleans, Orange county, on the night of the 2d of March, 1875, have had the same under consideration and direct me to report it back to the House, with the recommendation that it be rejected.

Report concurred in.

Mr. Wimmer, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of William O. Foley, for services as page in the House of Representatives of the forty-ninth General Assembly, under the appointment of Moses T. Lewman, Doorkeeper, have had the same under consideration and direct me to report it back to the House, with the recommendation that it be rejected.

Report concurred in.

Mr. Richelderfer, from the committee on military affairs, submitted the following report:

MR. SPEAKER:

Your committee on military affairs have had under consideration House bill No. 584, and they direct me to report it back, recommending the following amendments:

Amend section 3 by adding the following: "*Provided*, That if any county shall refuse to settle with the commissioner herein created, or shall fail or refuse to return to the State the arms found to be in its possession, or shall refuse to pay to the State the amount found by said commissioner to be due from said county, then and in either such case it shall be the duty of the Governor, on notice of such fact from the president of said commissioners to direct the Attorney General to bring suit in the name of the State of Indiana against said county to recover any moneys due, or found by said commissioners to be due the State from such county."

And when so amended your committee recommend that the bill do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. Wimmer, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Isaac Taylor for extra services as architect and superintendent in the construction of the Soldiers' and Seamen's Orphans' Home at Knightstown in 1877 and 1878, have had the same under consideration and direct me to report it back to the House, with the recommendation that it be rejected.

Report concurred in.

Mr. Davidson, from the committee on apportionment, submitted the following report:

MR. SPEAKER:

Your committee on apportionment, to whom was referred House bill No. 54, introduced by Mr. Caldwell, have had the same under consideration and direct me to report it back, with the recommendation that it do lie on the table.

Report concurred in.

Mr. Wimmer, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of H. S. Peck for \$26.70, for lamp posts and fixtures furnished in 1875, have had the same under consideration and direct me to report it back to the House, with the recommendation that the claim be rejected.

Report concurred in.

Mr. Wimmer, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of J. R. Robinson for \$250, for lowering the price of hydraulic cement, have had the same under consideration and direct me to report it back to the House, with the recommendation that the claim be rejected.

Report concurred in.

Mr. Wimmer, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claims of David Lyons, the Bowling Green Manufacturing Company, S. Goldbach and others, presented by J. B. Mcriweather, against the State Prison South, have had the same under consideration and direct me to report it back to the House, with the recommendation that each and all be rejected.

Report concurred in.



Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 513, entitled "An act redistricting incorporated towns," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Wimmer, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of R. A. Conner for \$300, for superintending the removal of the State Library from the old State House to its present location, and preparing the rooms now occupied by the General Assembly, have had the same under consideration and direct me to report it back to the House, with the recommendation that the claim be rejected.

Report concurred in.

Mr. Willard moved that House bill No. 344 be taken up and put upon its passage.

Which was adopted.

House Bill No. 344 was read the third time and put upon its passage.

Mr. Willard moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelyl, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner,

Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—93.

On motion, the further proceedings under the call were dispensed with.

The question recurring on the passage of the bill.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carter, Compton, Confer, Copeland, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Hart, Hess, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Rodman, Saint, Schweitzer, Shanks, Shauck, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Tulley, Vanpelt, VanValzah, Vawter, Willard, Wimmer and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Allen, Caldwell, Carey, Connaway, Connor, Cunningham, Donnell, Fleming, Garrouette, Ginz, Handy, Harland, Herod, Hopkins, Hosmer, Lehman, Messick, Miers, Perry, Reichelderfer, Robinson, Rooker, Scholl, Shields, Skinner, Sleeth, Thompson, Thornburg, Watson and Works—30.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled Senate bill No. 58.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 399, and the same is herewith submitted to the House of Representatives for its action thereon.

Mr. Overmyer moved to suspend the rules and take up Senate bill No. 399.

On which motion Messrs. Overmyer and Briggs demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Fleming, Flodder, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lindley, March, Messick, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Rooker, Saint, Scholl, Shanks, Shauck, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—65.

Those who voted in the negative were: Messrs. Alden, Barker, Blockley, Confer, Cunningham, Faulkner, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Kester, Mitchell, Nave, Perry, Reichelderfer, Schweitzer, Shields, Taylor of Warrick, Tulley, VanValzah and Willard—23.

The motion was agreed to.

Engrossed Senate Bill No. 399 was read the first time.

Engrossed House Bill No. 401 was read the third time.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Connaway, Connor, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Ginz, Handy, Har-



land, Hart, Herod, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Vanpelt, Vawter, Watson, Willard, Works and Mr. Speaker—75.

Those who voted in the negative were: Messrs. Galbraith and Scholl—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Thornburg was granted leave of absence until Tuesday morning.

Mr. Compton was granted leave of absence until Monday.

Engrossed House Bill No. 126 was read the third time.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Works and Mr. Speaker—81.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion of Mr. Lehman the House adjourned until 2 o'clock  
P. M.

## AFTERNOON SESSION.

MARCH 1, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. VanValzah moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Messick, Miers, Mitchell, Naye, Osborn of Elkhart, Owen, Perry, Reichelderfer, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, VanValzah, Watson, Willard, Works and Mr. Speaker—75.

On motion of Mr. Ginz, further proceedings under the call were dispensed with.

Mr. Connor moved to take House bill No. 468 from the table.

Which was agreed to.

Mr. Miers moved to reconsider the action of the House in voting to take House bill No. 468 from the table.

Which was agreed to.

The question being again on the motion of Mr. Connor.

The same was not agreed to.

Engrossed House Bill No. 206 was read the third time.

The question being on the passage of the bill.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Owen, Perry, Reichelderfer, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warriek, Thornburg, Tulley, Vanpelt, VanValzah, Watson, Works and Mr. Speaker—75.

Those who voted in the negative were: Messrs. Briggs, Copeland and Humphreys—3.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 210 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn



of Elkhart, Owen, Perry, Reichelderfer, Robinson, Rodman, Rooker, Shanks, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Watson, Willard, Works and Mr. Speaker—73.

Mr. Cunningham voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 549 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Owen, Perry, Reichelderfer, Robinson, Rodman, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Tulley, Vanpelt, VanValzah, Watson, Willard, Works and Mr. Speaker—74.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 284 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Flodder, Garrouette, Ginz, Handy, Herod, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Lindley, March, Miers, Mitchell, Osborn of Elkhart, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stucker, Taylor of Daviess, Taylor of Lagrange, Van Valzah, Vawter, Willard, Works and Mr. Speaker—59.

Those who voted in the negative were: Messrs. Arnold of Grant, English, Faulkner, Galbraith, Harland, Hart, Kester, Kirkpatrick, Messick, Nave, Vanpelt and Watson—12.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 585 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Owen, Perry, Reichelderfer, Robinson, Rodman, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Tulley, Vanpelt, Vawter, Watson, Willard, Works and Mr. Speaker—72.

The bill passed

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 487 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Mitchell, Osborn of Elkhart, Owen, Reichelderfer, Robinson, Rodman, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Works and Mr. Speaker—73.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 625 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Garrouette, Ginz, Harland, Hart, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Mitchell, Osborn of Elkhart, Owen, Perry, Reichelderfer, Robinson, Rodman, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Tulley, Vanpelt, Vawter, Watson, Willard and Works—64.



Those who voted in the negative were: Messrs. Galbraith and Mr. Speaker—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate joint resolution No. 19, as follows:

WHEREAS, The Superintendent of the Womens' Reformatory of the State of Indiana has been notified that the committees of both houses of the General Assembly of the State of Ohio of the Reformed Schools, and also of the State Board of Charities of said State, will visit the city of Indianapolis on Monday next, at 5:55 P. M., for the purpose of visiting the benevolent and reformatory institutions of this State, therefore, be it

*Resolved by the Senate (the House of Representatives concurring therein),* That a committee of three be appointed by the Senate as a committee of reception, to act in conjunction with a like committee of the House, to receive the honorable members of the General Assembly of our sister State, and extend to them the hospitalities of our State.

And in compliance with the above resolution the President has appointed as such committee on the part of the Senate, Senators Shirk, Fowler and Streight, and the same is herewith submitted to the House for its action thereon.

Senate concurrent resolution was adopted.

The Speaker appointed the following gentlemen as the committee on the part of the House:

Messrs. Miers, Herod and Briggs.

Engrossed Senate Bill No. 379 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Garrouette, Handy, Harland, Herod, Hess, Hopkins, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Mitchell, Nave, Osborn of Elkhart, Owen, Perry, Reichelderfer, Robinson, Rodman, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Tulley, Vanpelt, Vawter, Watson, Works and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Alden, Caldwell, Dalton, Drover, Flodder, Galbraith, Hosmer and Miers—8.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 209 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drover, Edwins, English, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Owen, Perry, Reichelderfer, Robinson, Rodman, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Tulley, Vanpelt, Vawter, Watson, Works and Mr. Speaker—71.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Willard moved that when the House adjourn it be to meet again at 8 o'clock P. M.

Which was agreed to.

Engrossed House Bill No. 412 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carter, Confer, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouthe, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Mitchell, Nave, Owen, Perry, Reichelderfer, Robinson, Rodman, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Tulley, Vawter, Watson, Works and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Humphreys, Osborn of Elkhart, Vanpelt and Willard—4.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House bill No. 20 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connor, Copeland, Dailey, Dalton, Davis, Donnell, Drake, Edwins, English, Fleming, Garrouthe, Ginz, Handy, Harland, Herod, Hart, Hess, Hopkins, Huthsteiner, Kelly, Kirkpatrick, Lindley, March,



Miers, Mitchell, Osborn of Elkhart, Owen, Reichelderfer, Robinson, Rodman, Shanks, Shauck, Shields, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Vawter, Watson, Willard and Works—50.

Those who voted in the negative were: Messrs. Allen, Briggs, Cunningham, Drover, Faulkner, Flodder, Galbraith, Handy, Herod, Hosmer, Humphreys, Johnston, Kester, Lehman, Messick, Nave, Perry, Shutt, Skinner, Stucker, Tulley, Vanpelt and Mr. Speaker—23.

The bill failed to pass for the want of a constitutional majority.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate joint resolution No. 20.

*Resolved by the Senate (the House of Representatives concurring),* That the special committee to investigate the books, papers and affairs of the Benevolent and Reformatory Institutions be empowered to employ a short-hand reporter to take down the evidence before said committee.

And the same is hereby submitted to the House for its action thereon.

Senate Concurrent Resolution No. 20 was concurred in.

Mr. Miers submitted the following resolution:

WHEREAS, Being impressed with the advantages to be derived by maintaining friendly relations with sister states, and to further their mutual interests,

*Resolved,* That a special committee of six be appointed to visit the capital of Ohio for the purpose of examining into the benevolent, educational and other state institutions, and report the result of their examination to this House.

Which resolution was not adopted.

Engrossed House Bill No. 288 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wash, Blockley, Briggs, Brown of Steuben, Caldwell, Campbell, Confer, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hess, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, March, Miers, Nave, Osborn of Elkhart, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Shanks, Shauck, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Tulley, Vanpelt, Vawter, Willard and Works—57.

Those who voted in the negative were: Messrs. Arnold of Grant, Bryant, Hopkins, Kester, Lehman, Lindley, Messick, Mitchell, Sleeth, Watson and Mr. Speaker—11.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Hess offered the following resolution:

*Resolved*, That the committee on cities and towns be and are hereby requested to report back forthwith to this House, Senate bill No. 23, legalizing the acts of the common council and officers of the city of Huntington.

Which resolution was adopted.

On motion of Mr. English the House adjourned until 7½ o'clock P. M.

## EVENING SESSION.

MARCH 1, 1879, 7½ o'clock, P. M.

The House met pursuant to adjournment with the Speaker in the chair.

Mr. Humphreys from the committee on ways and means, submitted the following report :

MR. SPEAKER:

Your committee on ways and means, in accordance with a resolution of the House, report the following specific appropriation bill for the year 1879.

Report concurred in.

House Bill No. 640. Introduced by Mr. Humphreys, entitled "An act making specific appropriations for the year 1879."

Read the first time.

Engrossed Senate bill No. 194, entitled "An act to amend section 2 of an act entitled "An act defining who shall be competent witnesses in any court or judicial proceeding in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1867."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 194.

Also, the Senate has passed engrossed House bill No. 135.

And the said bills are herewith submitted to the House of Representatives for its action thereon.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 270, and the same is herewith submitted to the House of Representatives for its action thereon.



Engrossed Senate Bill No. 270, entitled "An act to repeal an act to amend the first and thirteenth sections of an act entitled an act to establish superior courts, defining their jurisdiction, and providing for the election and compensation of the judges thereof, approved February 15, 1871, and supplemental thereto, approved March 5, 1877, and revising said amended sections."

Read the first time.

The following message was received from the Senate by the Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 196.

Also, engrossed Senate bill No. 308.

Also, engrossed Senate bill No. 325.

Also, engrossed Senate bill No. 381.

And the same are hereby transferred to the House for its action thereon.

Engrossed Senate Bill No. 325, entitled "An act to amend the thirteenth section of an act entitled an act granting the citizens of the town of Evansville, in the county of Vanderburg, a city charter, approved January 27, 1847."

Read the first time.

Engrossed Senate Bill No. 381, entitled "An act to provide for the publication of legal matters."

Read the first time.

Engrossed Senate Bill No. 308, entitled "An act supplementary and amendatory to an act entitled an act to provide for a uniform assessment of property and for the collection and return of taxes thereon, approved December 21, 1872; providing for and fixing the vote to be allowed for the annual publication of delinquent lists, repealing all laws in conflict with the provisions of this act, and declaring an emergency."

Read the first time.

Engrossed Senate Bill No. 196, entitled "An act regulating the tolls charged on plank, macadamized or gravel roads located on road beds ceded by the United States to the State of Indiana, and matters properly connected therewith."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed House bill No. 135.

Also, that he has signed House bill No. 187.

And said bills are herewith submitted to the House of Representatives.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled Senate act No. 58, entitled "An act concerning prisoners in jail," and the same is herewith submitted to the House of Representatives for the signature of the Speaker thereof.

The following message was received from the Senate by the Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House Bill No. 7, entitled "An act regulating the working of coal mines, and declaring a lien upon the works and machinery for work and labor in mining coal, and for the royalty on coal, and providing a penalty for the violation thereof, and providing for the appointment and qualifications of mine inspector, and prescribing his duties, and declaring an emergency," and the same is herewith transmitted to the House of Representatives, for its action thereon.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 39.

Also, that the Senate has passed engrossed Senate bill No. 198.

Also, I am directed by the President of the Senate to inform the House of Representatives that he has signed engrossed House bill No. 141.

And said bills are herewith transmitted to the House of Representatives for its action thereon.

Engrossed Senate Bill No. 39, entitled "An act authorizing railroad companies to extend their lines and change the termini thereof."

Read the first time.

Engrossed Senate Bill No. 198, entitled "An act prescribing certain duties of railroad corporations and requiring such companies to sound the whistle on all locomotive engines at the crossing of any turnpike or other public highway, prescribing penalties and punishments for violation thereof, and repealing all laws in conflict therewith."

Read the first time.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate bill No. 17, and the same is herewith submitted to the House of Representatives for its action thereon.

Also, I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate bill No. 69, and the same is herewith transmitted to the House of Representatives for its action thereon.

Engrossed Senate Bill No. 17, entitled "An act to enable the owners of wet lands to drain and reclaim them where the same can not be done without affecting the lands of others, when the same shall be conducive to the public health, convenience or welfare, and when the same will be of public benefit or utility, being three miles or less in length, prescribing the powers and duties of county auditors and township trustees in the premises, providing for the correction of mistakes or omissions, and the making of supplemental assessments, and the keeping of such drains in repair; repealing all laws inconsistent therewith, and especially repealing an act entitled an act to authorize and encourage the construction of levees, dykes and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the organization of such associations and prescribing their powers, and providing for the assessment of the cost of such improvements and expense attending the same upon lands benefitted thereby, and for the collection of such assessment, and repealing certain acts therein specified and de-



declaring an emergency, approved March 16, 1875, and declaring an emergency."

Read the first time.

Engrossed Senate Bill No. 69, entitled "An act to provide for the organization and support of an asylum for feeble-minded children; to provide for the appointment by the Governor of a board of trustees of the Soldiers' Home and for said asylum, and to abolish the office of trustees of the Soldiers' Orphans' Home."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 207.

Also, engrossed Senate Bill No. 347.

And the same are herewith transmitted to the House of Representatives for its action thereon.

Engrossed Senate bill No. 207, entitled "An act providing for determining, allowing, and paying claims against the State, constituting the Auditor of State, Secretary of State, and Treasurer of State, a Board of Claims, and providing for appeals from allowances by such board, and for bringing, prosecuting, and defending actions against the State, and prescribing the duties of the Attorney General in relation thereto."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 197, and the same is hereby submitted to the House for its action thereon.

Engrossed Senate bill No. 197, entitled "An act to protect the ballot-box, to procure a fair election, and to prevent the sale and barter of votes, and defining certain misdemeanors and prescribing punishment therefor."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 56.

Also, engrossed Senate bill No. 57.

Also, engrossed Senate bill No. 61.

Also, engrossed Senate bill No. 169.

Also, engrossed Senate bill No. 175.

Also, engrossed Senate bill No. 176.

Also, engrossed Senate bill No. 258.

Also, engrossed Senate bill No. 267.

Also, engrossed Senate bill No. 271.

Also, engrossed Senate bill No. 103.

Also, engrossed Senate bill No. 122.

And the same are hereby transmitted to the House for its action thereon.

Engrossed Senate bill No. 103, entitled "An act to authorize cities to construct, maintain, and operate water-works, issue and sell bonds to pay for such construction, repealing all laws in conflict with this act and declaring an emergency."

Read the first time.

Engrossed Senate bill No. 175, entitled "An act providing for the appointment and qualification of county superintendents, repealing all acts and parts of acts in conflict herewith, and declaring an emergency."

Read the first time.

Engrossed Senate Bill No. 57, entitled "An act for the establishment of work houses, providing for their erection, maintenance and government and other matters connected therewith."

Read the first time.

Engrossed Senate Bill No. 122, entitled "An act to provide for the repair of turnpike roads in the various counties of Indiana, and constituting the board of commissioners of any county in this State a board of directors of such roads."

Read the first time.

Engrossed Senate Bill No. 267, entitled "An act to amend section 1 of an act entitled an act to amend sections 550 and 561 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852, approved March 14, 1877."

Read the first time.

Engrossed Senate Bill No. 56, entitled "An act prohibiting the courts of this State from entertaining jurisdiction of certain actions in certain cases."

Read the first time.

Engrossed Senate Bill No. 61, entitled "An act to amend section 4 of an act entitled an act providing for the election of county sheriffs and prescribing some of their duties, approved June 7, 1852."

Read the first time.

Engrossed Senate Bill No. 169, entitled "An act to prevent persons who are the mortgagors of goods and chattels, and who, by the terms of the mortgage, retain possession of the same, from running off, hiding, secreting, selling, exchanging or otherwise disposing of such property in violation of the mortgage, and prescribing penalties for the same."

Read the first time.

Engrossed Senate Bill No. 258, entitled "An act to legalize the acts of the board of commissioners of Allen county and the acts of the common council of the city of Fort Wayne in the annexation of lots, lands and territory to the limits of the city of Fort Wayne, in said county, and declaring an emergency."

Read the first time.

Engrossed Senate Bill No. 271, entitled "An act enlarging the jurisdiction of mayors of cities and justices of the peace in criminal cases, and declaring an emergency."

Read the first time.

Engrossed Senate Bill No. 176, entitled "An act to legalize the official acts of the board of trustees of the town of Jasper, Dubois county, Indiana."

Read the first time.



Engrossed Senate Bill No. 347, entitled "An act to amend the charter of the city of Evansville, and to enable said city to change its corporate name to the city of Lamasco, and declaring an emergency."

Read the first time.

House Bill No. 641. Introduced by Mr. March, entitled "A bill for an act supplemental to an act in relation to witnesses and their competency."

Read the first time.

House Bill No. 642. Introduced by Mr. Campbell, entitled "A bill to legalize the incorporation of the town of Walton, and the election of officers therein."

Read the first time.

House Bill No. 635. Introduced by Mr. Cunningham, was read the second time and referred to the committee on agriculture.

House Bill No. 636. Introduced by Mr. Robinson, was read the second time and referred to the committee on elections.

House Bill No. 634. Introduced by Mr. Confer, was read the second time and referred to the committee on the judiciary.

House Bill No. 639. Introduced by the judiciary committee, was read the second time and ordered engrossed.

House Bill No. 643. Introduced by Mr. Willard, entitled "A bill for an act to amend section 58 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867."

Read the first time.

House Bill No. 644. Introduced by Mr. Cunningham, entitled "An act to amend section 21 of an act entitled an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties, and those of county and township officers, in relation thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877, and declaring an emergency."

Read the first time.

On motion of Mr. Faulkner the House adjourned.

(Approved)

HENRY S. CAUTHORN.  
Speaker of the House of Representatives.

## MONDAY MORNING.

MARCH 3, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of Saturday was read in part, when, on motion of Mr. Willard, the further reading was dispensed with.

House Bill No. 640. Introduced by Mr. Humphreys, was read the second time and passed to a third reading.

House Bill No. 641. Introduced by Mr. March, was read the second time and referred to the committee on the judiciary.

House Bill No. 642. Introduced by Mr. Campbell, was read the second time and referred to the committee on cities and towns.

House Bill No. 643. Introduced by Mr. Willard was read the second time and referred to the committee on ways and means.

House Bill No. 644. Introduced by Mr. Cunningham, was read the second time and referred to the committee on agriculture.

Engrossed Senate Bill No. 122 was read the second time and referred to the committee on roads.

Engrossed Senate Bill No. 69 was read a second time and referred to the committee on benevolent institutions.

Engrossed Senate Bill No. 103 was read the second time and referred to the committee on cities and towns.

Engrossed Senate Bill No. 17 was read the second time and referred to the committee on drains and dykes.

Engrossed Senate Bill No. 399 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 325 was read the second time and referred to the committee on corporations.

Engrossed Senate Bill No. 207 was read the second time and referred to the committee on the organization of courts.

Engrossed Senate Bill No. 308 was read the second time and referred to the committee on county and township business.

Engrossed Senate Bill No. 198 was read a second time and referred to the committee on railroads.

Engrossed Senate Bill No. 196 was read the second time and referred to the committee on roads.

Engrossed Senate Bill No. 57 was read the second time and referred to the committee on county and township business.

Engrossed Senate Bill No. 175 was read the second time and referred to the committee on education.

Engrossed Senate Bill No. 258 was read the second time and passed to a third reading.

Engrossed Senate Bill No. 61 was read the second time and referred to the committee on the organization of courts.

Engrossed Senate Bill No. 381 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 270 was read the second time and referred to the committee on the affairs of the city of Indianapolis.

Engrossed Senate Bill No. 194 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 267 was read the second time and referred to the committee on the organization of courts.

Engrossed Senate Bill No. 56 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 39 was read the second time and referred to the committee on railroads.

Engrossed Senate Bill No. 347 was read the second time and referred to the committee on corporations.

Engrossed Senate Bill No. 176 was read the second time and passed to a third reading.

Engrossed Senate Bill No. 169 was read the second time and referred to the committee on county and township business.

Engrossed Senate Bill No. 197 was read the second time and referred to the committee on education.

Engrossed Senate Bill No. 271 was read the second time and referred to the committee on cities and towns.

House Bill No. 620. Introduced by Mr. Miers, was read the second time and passed to a third reading.



The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 442, entitled "An act defining the time for holding general elections and fixing the times at which certain acts connected therewith shall be done;" and the same is herewith submitted to the House for its action thereon.

Engrossed Senate Bill No. 442, entitled "An act defining the time for holding general elections and fixing the times at which certain acts connected therewith shall be done.

Read the first time.

House Bill No. 645. Introduced by Mr. English (by request), entitled "An act extending the facilities for literary, scientific and social culture."

Read the first time.

Mr. English offered the following resolution:

WHEREAS, The State of Indiana to-day owns buildings and contents in different parts of the State, in which she has invested immense sums of money, and upon which there rests no insurance from fire whatever; and

WHEREAS, The business principle of insuring property against fire is no longer questioned as a sound and prudent policy; therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That the State officers, viz: the Governor, Treasurer, Attorney General and Secretary, be directed to insure at once State buildings and contents, law library and State library, for not more than two-thirds of their value, in good, reliable insurance companies, to be approved by the Auditor of State. That the board of trustees and commissioners of the Hospital for the Insane, Deaf and Dumb Institute, House of Refuge, Soldiers' Home, Female Reformatory Institution, State Prison North and State Prison South, be instructed to insure, at once, the respective buildings under their control, for amounts not to exceed one-half the value of the same, in good and reliable insurance companies, to be approved by the Auditor of State; the expense of insuring the buildings under the control of the State

officers to be paid out of the general contingent fund, and the expense of insuring the various institutions mentioned to be paid out of the current appropriations to the same.

Referred to the committee on insurance.

House Joint Resolution No. 22. Introduced by Mr. Herod, entitled "A joint resolution accepting the corporate franchises, disincorporating the Woodburn Sarven Wheel Company, saving however the rights of all its existing creditors."

Read the first time.

Mr. Humphrey asked to be relieved from serving on special committee on investigation of Auditor of State's office.

Which was granted, and the Speaker appointed Mr. Briggs to serve in his place.

Mr. Herod presented a petition from a number of coopers.

Which was referred to the committee on rights and privileges.

Mr. Willard, from the committee on ways and means, submitted the following report:

**MR. SPEAKER:**

Your committee on ways and means, to whom was referred House bill No. 208, have had the same under consideration and direct me to report it back to the House, with the recommendation that it do lie on the table.

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report:

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred House bill No. 91, have had the same under consideration and direct me to report the same back and it do lie on the table, for the reason that a Senate bill covering the same ground has been engrossed by the House.

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report:

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred House bill No. 235, have had the same under consideration and direct me to

report the same back and recommend that it lie on the table, for the reason that a Senate bill upon the same subject has been engrossed by the House.

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 612, have had the same under consideration and directed me to report the same back for the action of the House.

Report concurred in and the bill ordered to be engrossed.

Mr. March, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 631, introduced by Mr. Owen, have had the same under consideration and recommend that it do pass after being amended as follows :

Amend by inserting the following: Section 1. *Provided*, That that this act shall not be so construed as to legalize sales made by the sheriff, invalid on account of any other defects in the proceedings than that of the failure of the clerk to attach his certificate.

Report concurred in, and the bill ordered engrossed as amended.

Mr. Humphreys submitted the following minority report on House bill No. 408 :

MR. SPEAKER :

One of your select committee on House bill No. 408 asks leave to submit a minority report on said bill and recommend that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee to whom was referred House bill No. 520, introduced by Mr. Saint, beg leave to report that they have had said bill under consideration and they recommend that it be indefinitely postponed.

Report concurred in.



Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 467, recommend that the same be amended by inserting after the word "marriage," in line 11 of section 1, the following, viz: "And there be a child or children or their descendants alive by such marriage."

And further amend by inserting after the word "such," in line 12, section 1, the words "second or subsequent."

And when so amended the bill do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 477, direct me to report the same back, recommending that section six be stricken out, and when so amended that the bill do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 556, by Mr. Osborn, of Vermillion, have had the same under consideration and have instructed me to report back to the House and recommend that the bill do lie on the table.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 346, introduced by Mr. Lehman, have had the same under consideration and have instructed me to report back to the House, with the recommendation that the bill be indefinitely postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 191, instructed me to report that they have had said bill under consideration and they herewith return the same to the House and recommend that it be indefinitely postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 116, introduced by Mr. Major, have had the same under consideration and have instructed me to report back to the House that the bill be indefinitely postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 353, introduced by Mr. Kelly, have had the same under consideration and have instructed me to report the same back to the House, with the recommendation that the bill be indefinitely postponed, as it is already the law.

Report was not concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 92, introduced by Mr. Herod, have had the same under consideration and have instructed me to report back to the House and recommend that the bill be indefinitely postponed.

Report concurred in.

House Bill No. 646. Introduced by Mr. Gordon, entitled "A bill to change the name of the Marion Criminal Circuit Court."

Read the first time.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 586, introduced by Mr. Osborn of Vermillion, have had the same under consideration and have instructed me to report the bill back to the House and recommend that the same do pass.

Report concurred in and the bill ordered engrossed.

Mr. Thompson, from the committee on benevolent institutions, submitted the following report:

MR. SPEAKER: -

Your committee on benevolent institutions have considered House bill No. 334, and respectfully recommend that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Saint moved to reconsider the vote of the House in concurring in the report of House bill No. 520.

Which was agreed to.

The question again being on concurring in the report of the committee on House bill No. 520.

The report was not concurred in.

Mr. Watson moved to recommit House bill No. 520, with the following special instructions.

Which was agreed to.

Amend House bill No. 520, by striking out of the second line of section 1, the following words: "and criminal," and by inserting after the word "jury" and before the word "upon," in the fifth line, the words "of twelve men," and add to said section 1 the following: "*Provided*, That when the verdict is agreed to by nine or more than nine and less than twelve jurors, it shall be signed by all agreeing jurors, and shall have the same force and effect as a verdict of twelve jurors, signed by a foreman.

Which was agreed to.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 157, beg leave to report that they have had the same under consideration and they recommend that the bill be laid on the table.

Report concurred in.



Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 110, introduced by Mr. Thompson, have had the same under consideration and have instructed me to report the bill back to the House and recommend that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. VanValzah, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee on railroads, to whom was referred engrossed Senate bill No. 39, have had the same under consideration and report it back to the House, with the recommendation that the bill do pass.

Report concurred in.

Mr. VanValzah, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee on railroads, to whom was referred engrossed Senate bill No. 382, have had the same under consideration and a majority of the committee have directed that the bill be reported back to the House, with the recommendation that it do lie on the table.

Report concurred in.

Mr. VanValzah, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee on railroads, to whom was referred House bill No. 593, have had the same under consideration and report the same back to the House, with the recommendation that it do lie on the table.

Report concurred in.

Mr. Briggs, from the committee on organization of courts, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 207, instruct me to report the same back to the House, with the recommendation that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Dailey, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred engrossed Senate bill No. 267, report the same back to the House, with the recommendation that the bill do pass.

Report concurred in.

Mr. Herod, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred engrossed Senate bill No. 61, beg leave to report that they have had the same under consideration and are of opinion that said bill ought to lie on the table.

Report concurred in.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred engrossed Senate bill No. 22, have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it be amended as follows:

Insert after the word "trustees," in line two of the title, the words "and other officers in connection therewith;" insert in line 4 of section 1, after the word "trustees," the words "and other officers in connection therewith," and when so amended that the bill do pass.

Which report was concurred in and the amendments ordered engrossed.

Mr. Willard, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 643, would report the same back to the House, with the recommendation that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 414, entitled "A bill for the relief of Patrick Halligan," direct me to report it back to the House, with the recommendation that section 1 of said bill be amended by striking out all after the word "land," in line 10 of the same, and that when so amended that it do pass.

Report concurred in and the bill as amended ordered engrossed.

Engrossed House Bill No. 488 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Confer, Connor, Cunningham, Dailey, Donnell, Drake, Drover, English, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Ginz, Gordon, Handy, Hart, Herod, Hess, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lindley, Major, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck, Shutt, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Watson, Willard and Wimmer—67.

Those who voted in the negative were: Messrs. Hopkins, Kirkpatrick, Miers, Overmyer, Owen, Works and Mr. Speaker—7.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act.

. It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 47 was read the third time.



Mr. March submitted the following amendment, by consent:

Amend by inserting after the date "1875," section 16, these words: "Or may have been constructed and completed under the provisions of an act entitled an act to authorize the construction of levees and drains, approved June 12, 1852, and the acts supplemental thereto and amendatory thereof."

Which was adopted.

Mr. Kelly submitted the following amendment, by consent:

Amend by inserting after the word "drain," in line 5, section 1, the word "levee;" so as to read after the word "provided," in said line, "any ditch, drain, levee, or water-course."

Also, insert in line 1, section 22, the word "levee" after the word "drain;" so as to read after the word "act," in said line, "shall include ditch, drain, levee," etc.

Which was adopted.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Briggs, Brown of Steuben, Bryant, Campbell, Compton, Connor, Cunningham, Dailey, Dalton, Donnell, Drake, English, Faulkner, Fleming, Garroute, Ginz, Gordon, Handy, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Watson, Willard, Wimmer, Works and Mr. Speaker—70.

Those who voted in the negative were: Messrs. Baker, Blockley, Brown of Jasper, Drover, Galbraith, Nave and Shutt—7.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 608 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Confer, Cunningham, Dailey, Dalton, Donnell, Drake, Drover, English, Fancher, Faulkner, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Warrick, Thompson, Vanpelt, Van Valzah, Watson, Willard, Wimmer, Works and Mr. Speaker—70.

Mr. Lindley voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 367 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Confer, Connor, Dailey, Dalton, Donnell, Drake, Drover, Fancher, Faulkner, Galbraith, Garrouette, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shutt, Skinner, Snoddy, Stevens, Taylor of Lagrange, Vanpelt, Van Valzah, Watson, Wimmer and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Cunningham, English, Ginz, Gordon, Handy, Nave, Osborn of Elkhart, Taylor of Warrick, Thompson, Tulley and Works—10.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was ordered to inform the Senate thereof.

Engrossed House Bill No. 60 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Confer, Dailey, Dalton, Drake, Drover, English, Faulkner, Fleming, Galbraith, Garrouette, Handy, Hart, Herod, Hess, Humphreys, Johnston, Kester, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shutt, Sleeth, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—52.

Those who voted in the negative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Campbell, Donnell, Fancher, Gordon, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Overmyer, Reed, Robinson, Rodman, Skinner, Snoddy, Stevens and Watson—20.

The bill passed.

The question being, shall the title of the bill stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion of Mr. Allen the House adjourned until 2 o'clock P. M.



## AFTERNOON SESSION.

MARCH 3, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Schweitzer offered the following preamble and resolution:

WHEREAS, There has been a special committee appointed to investigate the affairs of the State Auditor's office during the term of office of E. Henderson as such Auditor; and

WHEREAS, The same charges are made against his predecessor in said office, that all are set out in the resolution by which said committee were appointed; therefore

*Resolved*, That a committee of seven be appointed to investigate the affairs of said office for the four years preceding the term of office of said Henderson, and that they be instructed to report to this House the amount of fees charged and collected by the Auditor of State during said time, and what, if any, of said fees were illegal.

Mr. Gordon moved to amend by referring the subject to the committee already appointed.

Which was agreed to.

And the resolution as amended was adopted.

Mr. English, from the committee on the affairs of the city of Indianapolis, submitted the following report:

MR. SPEAKER:

Your committee on the affairs of the city of Indianapolis, to whom was referred Senate bill No. 270, have had the same under consideration and have directed me to report the same back to the House, with a recommendation that the bill do pass.

Report concurred in.

Mr. Thompson, from the committee on benevolent institutions, submitted the following report:

MR. SPEAKER:

Your committee on benevolent institutions have considered Senate engrossed bill No. 69 and report the same back to the House, with a recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Drover moved that Engrossed Senate bill No. 23 be recommitted to the committee on cities and towns.

Mr. Arnold moved to amend by instructing the committee to report the bill back to-morrow morning.

Amendment accepted and the motion as amended was agreed to.

Engrossed House Bill No. 262 was read the third time.

Mr. Johnston moved to recommit the bill to a select committee of three, with instructions to amend by striking out the first day of April, and insert in lieu thereof the first Monday in June, and instructing the committee to report the same back to the House on to-morrow morning.

Which was agreed to.

Engrossed House bill No. 560 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Brown of Jasper, Carey, Carter, Confer, Connor, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kester, Kirkpatrick, Lehman, Major, March, Messick, Mitchell, Nave, Osborn of Vermillion, Overmyer, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Thayer, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—70.

Those who voted in the negative were: Messrs. Brown of Steuben, Lindley and Shutt—3.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 3 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Baker, Barker, Bearss, Brown of Jasper, Connor, Dalton, Davis, Edwins, English, Fleming, Galbraith, Gordon, Harland, Herod, Hopkins, Hosmer, Hubbard, Kelly, Kester, Kirkpatrick, Lindley, Major, Mitchell, Owen, Reichelderfer, Robinson, Rodman, Rooker, Saint, Shauck, Shutt, Sleeth, Stevens, Thayer, Vanpelt, VanValzah, Watson, Wimmer and Works—41.

Those who voted in the negative were: Messrs. Allen, Arnold of Wabash, Blockley, Brown of Steuben, Bryant, Campbell, Carter, Confer, Connaway, Dailey, Donnell, Drake, Fancher, Faulkner, Flodder, Garrouette, Handy, Hart, Hess, Humphreys, Huthsteiner, Johnston, Lehman, March, Messick, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Robeson, Scholl, Shanks, Shields, Skinner, Snoddy, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vawter and Mr. Speaker—45.

The bill failed to pass.

Engrossed House Bill No. 290 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Brown of Steuben, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Mitchell, Osborn of Vermillion, Over-



myer, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—76.

Those who voted in the negative were: Messrs. Brown of Jasper, Bryant, Nave, Osborn of Elkhart and Rooker—5.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 526 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Barker, Brown of Steuben, Bryant, Campbell, Carey, Carter, Confer, Connaway, Connor, Davis, Donnell, Drake, Edwins, Faulkner, Harland, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, March, Messick, Mitchell, Osborn of Vermillion, Overmyer, Owen, Reichelderfer, Robeson, Rooker, Shanks, Shields, Skinner, Snoddy, Taylor of Lagrange, Thayer, Vanpelt, Vawter, Watson, Willard, Works and Mr. Speaker—46.

Those who voted in the negative were: Messrs. Alden, Blockley, Brown of Jasper, Cunningham, Dalton, English, Fancher, Fleming, Flodder, Galbraith, Garrouette, Gordon, Hart, Hosmer, Huthsteiner, Kester, Lehman, Major, Miers, Nave, Osborn of Elkhart, Perry, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shutt, Sleeth, Stevens, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, VanValzah and Wimmer—36.

The bill failed to pass.

Engrossed Senate Bill No. 184 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Davis, Donnell, Drake, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Works and Mr. Speaker—77.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 466 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Brown of Steuben, Bryant, Campbell, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Davis, Donnell, Drake, Edwins, Fancher, Faulkner, Flodder, Garrouette, Ginz, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—77.

Those who voted in the negative were: Messrs. English, Galbraith, Hart, Hosmer and Shutt—5.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. English moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—89.

Mr. English moved that the further proceedings under the call be dispensed with.

Which was agreed to.

Engrossed House Bill No. 529 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Ginz, Gordon, Handy, Harland, Hart, Herod, Hess, Hop-



kins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—82.

Those who voted in the negative were: Messrs. Scholl and Sleeth—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 257 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Bearss, Blockley, Brown of Jasper, Campbell, Carter, Drover, Harland, Hart, Hess, Hopkins, Huthsteiner, Kirkpatrick, Lehman, Osborn of Elkhart, Owen, Rooker, Skinner, Taylor of Daviess, Taylor of Warrick, Thayer, Tulley, Vawter and Watson—24.

Those who voted in the negative were: Messrs. Arnold of Grant, Baker, Barker, Brown of Steuben, Bryant, Caldwell, Carney, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Herod, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Reed, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thompson, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—62.

The bill failed to pass.

Engrossed House Bill No. 377 was read a third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Barker, Caldwell, Carey, Dailey, Dalton, Davidson, Davis, Donnell, Edwins, English, Fancher, Galbraith, Gordon, Handy, Hess, Hopkins, Humphreys, Huthsteiner, Lehman, March, Messick, Mitchell, Nave, Osborn of Elkhart, Owen, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shields, Shutt, Skinner, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—48.

Those who voted in the negative were: Messrs. Alden, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carter, Confer, Connaway, Cunningham, Drake, Flodder, Ginz, Harland, Hart, Hosmer, Hubbard, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, Osborn of Vermillion, Overmyer, Shauck, Snoddy, Vawter, Watson and Works—30.

The bill failed to pass for want of a constitutional majority.

Mr. Tulley moved that when the House adjourn it be to meet again at 8 o'clock P. M.

Mr. Lindley moved to amend by meeting at 8 o'clock, A. M. to-morrow.

On motion of Mr. English the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## TUESDAY MORNING.

MARCH 4, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Hess, the further reading was dispensed with.

Mr. Johnston, from the special committee on House bill No. 262, submitted the following report:

MR. SPEAKER:

The special committee on House bill No. 262, have instructed me to report said bill back, with the following recommendations:

Amend by striking out the words "day of April" in the eighth line, and insert "Monday of June."

Also, amend by striking out the words "and best," in the tenth line, and insert "responsible."

Also, amend by inserting after the word "description," where last used in the sixteenth line, the following: "and the commissioners shall on the said first Monday of June, receive said proposals, and on that, or some subsequent day during the term, proceed to open said proposals and award the contract for the county printing to the lowest responsible bidder."

And when so amended that the bill do pass.

Report concurred in, and the bill as amended ordered engrossed.

Mr. Herod, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred engrossed Senate bill No. 131, entitled "An act providing for the election of police judge," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and bill ordered engrossed.

Mr. Herod, from the committee on cities and towns, submitted the following report:



MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 381, have had the same under consideration and direct me to report the bill back, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Herod, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on House bill No. 566, have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Herod, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 569, have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Herod, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 570, have had the same under consideration and direct me to report the bill back, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Herod, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 575, entitled "A bill to amend section 8 of an act to repeal all general laws now in force for the incorporation of cities," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Herod, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 460, have had the same under consideration and direct me to report the bill back to the House with the recommendation that it do pass.

Report was concurred in and the bill ordered engrossed.

Mr. Herod, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 571, have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Herod, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 573, direct me to report the same back, with the following amendment: Strike out of line 12, section 1, after the word "amend," the words "in addition to the" and insert the word "including;" strike out of line 13, section 1, after the word "new," the word "allowed," and insert the word "given;" insert after the word "law," in line 13, section 1, the words "and fees," and that when so amended it do pass.

Report concurred in and the bill as amended ordered engrossed.

Mr. VanValzah, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee on railroads, to whom was referred engrossed Senate bill No. 198, have had the same under consideration and report the same back to the House, with the recommendation that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Herod, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 103, have had the same under consideration and report as follows: We recommend the striking out of the words "a majority of the legal voters thereof," in line 13, page 4, and in lieu thereof to substitute the following words: "A majority of the votes cast at such election," and after the word "bonds," in line 17, page 4, there be added the following words: "So far as the same can be made applicable," and when so amended we recommend the passage of the bill. :

Report concurred in and the amendment ordered engrossed.

Mr. Herod, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns have had House bill No. 642 under consideration and have directed me to report the same back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Overmyer moved that engrossed Senate bill No. 382 be taken from the table.

Which was agreed to.

And the bill was passed to be taken up in order.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns have had engrossed Senate bill No. 271 under consideration and have directed me to report the same back to the House, with the recommendation that it do pass.

Report concurred in.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 348, have had the same under consideration and direct me to report the same back to the House, with the recommendation that it be laid upon the table.

Report concurred in.



Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 221, introduced by Mr. Huthsteiner, entitled "An act to regulate the rate of interest," have had the same under consideration and have instructed me to report back to the House and recommend that it do lie on the table.

Report concurred in.

Mr. Gordon moved to reconsider the vote concurring in the report of committee on House bill No. 348.

Which was agreed to.

On motion, the report was laid on the table and the bill ordered engrossed.

Mr. Willard moved that the order of business be suspended and bills on third reading be taken up.

Which was agreed to.

Engrossed House Bill No. 138 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Blockley, Brown of Jasper, Bryant, Caldwell, Campbell, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, Fancher, Faulkner, Fleming, Garrouette, Ginz, Gordon, Handy, Harland, Hart, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Shanks, Shauck, Shields, Skinner, Stevens, Taylor of Warrick, Thayer, Tulley, Van Valzah, Vawter, Watson, Willard, Wimmer and Works—64.

Those who voted in the negative were: Messrs. Brown of Steuben, Drake, English, Lindley, Messick, Nave, Robeson, Shutt, Sleeth, Snoddy, Stucker, Taylor of Lagrange, Vanpelt, and Mr. Speaker—14.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 264 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Garroette, Ginz, Golden, Gordon, Handy, Harland, Hart, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, and Mr. Speaker—78.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills have compared enrolled Senate act No. 209 with the engrossed bill and find the same correctly enrolled.

The motion of Mr. Osborn to reconsider the vote by which the report on engrossed Senate bill No. 65 was concurred in, was taken up.

Which was not agreed to.

Engrossed Senate Bill No. 65 was read the third time and put upon its passage.

Mr. Lehman moved that the House take a recess until called to order by the Speaker.

The House was called to order by the Speaker.

The question being, shall the bill pass?

Mr. Overmyer moved that the bill be recommitted to a select committee of three, with instructions to refer back immediately.

Which was not agreed to.

The question recurring on the passage of the bill.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Rodman, Robinson, Rooker, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—91.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled Senate act No. 209.



Engrossed House Bill No. 377 was called and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Brown of Jasper, Caldwell, Carey, Compton, Connor, Dailey, Davidson, Donnell, Drover, Edwins, English, Fancher, Fleming, Galbraith, Garrouette, Golden, Gordon, Handy, Herod, Hess, Hopkins, Hubbard, Humphreys, Lehman, March, Messick, Mitchell, Nave, Osborn of Elkhart, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Shanks, Shields, Skinner, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, Van Valzah and Works—57.

Those who voted in the negative were: Messrs. Brown of Steuben, Bryant, Campbell, Carter, Confer, Connaway, Cunningham, Davis, Drake, Faulkner, Flodder, Hart, Hosmer, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, Osborn of Vermillion, Overmyer, Shauck, Snoddy, Vawter, Watson, Willard, Wimmer and Mr. Speaker—29.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. English moved to suspend the order of business and take up the message from the Senate accompanying House bill No. 340.

On the motion, Messrs. Overmyer and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Reichelderfer, Rooker, Scholl, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Vanpelt, Van Valzah, Willard and Mr. Speaker—49.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Perry, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Major, Thornburg, Tulley, Vawter, Watson, Wimmer and Works—43.

The motion was agreed to.

Mr. Overmyer and Mr. Shanks submitted the following appeal from the decision of the chair, to-wit:

The House, by previous order, having under consideration House bills on third reading, Mr. English moved to suspend the order of business to take up the message from the Senate on House bill No. 340. The ayes and noes being demanded, resulted, ayes 49, noes 43. Not two-thirds voting in the affirmative, the chair held that the order of business was suspended, from which decision of the chair we appeal.

Mr. Thompson moved that the appeal do lie on the table.

Messrs. Gordon and Campbell demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Scholl, Schweitzer, Shauck, Shutt, Stucker, Taylor of Warrick, Thompson, Vanpelt, Van Valzah and Willard—46.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Cunningham, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Osborn of Vermillion, Overmyer, Owen, Robeson, Robinson, Rodman, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer, Works and Mr. Speaker—47.

The motion to lie on the table did not prevail.

The question being, shall the decision of the chair stand as the decision of the House?

On the question Messrs. Overmyer and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Hester, Leliman, Messick, Mitchell, Nave, Osborn of Elkhart, Perry, Rooker, Scholl, Schweitzer, Shauck, Shutt, Stucker, Taylor of Daviess, Taylor of Warriek, Thompson, Tulley, Vanpelt, Van Valzah, Willard and Mr. Speaker—50.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Jasper, Campbell, Carey, Carter, Conaway, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Osborn of Vermillion, Overmyer, Owen, Robeson, Robinson, Rodman, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—43.

The decision of the chair was sustained.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has amended and passed engrossed House bill No. 340, and the said bill with the said Senate engrossed amendments are herewith submitted to the House.

Senate amendments to House bill No. 340 were read.

The question being, will the House concur in the amendments of the Senate?

On which question Messrs. Owen and English demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Brown of Steuben, Gordon, Herod, Hopkins, Hubbard, Kirkpatrick, Ward, Messick, Osborn of Vermillion, Taylor of Lagrange, Vanpelt, Vawter and Wimmer—13.



Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garroutte, Ginz, Golden, Handy, Harland, Hart, Hess, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Thornburg, Tulley, Van Valzah, Watson, Willard, Works and Mr. Speaker—81.

The House refused to concur.

Mr. English moved that a conference committee be appointed to confer with a similar committee on the part of the Senate in reference to House bill No. 340.

Mr. Overmyer moved that the motion do lie on the table.

On which motion Messrs. Overmyer and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Donnell, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Wimmer—41.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garroutte, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Rooker, Scholl, Schweitzer, Shauck, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Willard, Works and Mr. Speaker—50.

The motion was lost.

The question being again on the motion of Mr. English.

The same was agreed to.

The Speaker appointed the following committee: Messrs. English and Dalton.

Mr. Overmyer moved that the order be further suspended so that the committee on the judiciary may at once report back Senate bill No. 399.

Mr. Willard moved to lay the motion on the table.

On which Messrs. Gordon and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Rooker, Scholl, Schweitzer, Shauck, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Willard and Mr. Speaker—49.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vanpelt, Vawter, Watson, Wimmer and Works—44.

The motion was agreed to.

Engrossed House Bill No. 532 was read the third time and put upon its passage.

On motion of Mr. Gordon the House adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

MARCH 4, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The consideration of House bill No. 532 pending at adjournment, the same was resumed.

Mr. Gordon moved a call of the House.

The same was taken.

Those who answered to their names were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garroutte, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker--82.

On motion, the further proceedings under the call were dispensed with.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Dalton, Davis, Donnell, Drover, Fancher, Garroutte, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Nave, Osborn of Elkhart, Overmyer, Owen, Robeson, Robinson, Rodman, Rooker, Scholl, Shanks,



Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer and Works—60.

Those who voted in the negative were: Messrs. Alden, Blockley, Caldwell, Confer, Cunningham, Dailey, Davidson, Drake, Edwins, Faulkner, Fleming, Flodder, Galbraith, Handy, Hart, Hosmer, Humphreys, Hester, Lehman, Mitchell, Perry, Reichelderfer, Schweitzer, Shields, Stucker, Taylor of Warrick, VanValzah, Willard and Mr. Speaker—30.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act.

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House bill No. 456 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Briggs, Blockley, Brown of Jasper, Bryant, Caldwell, Carey, Compton, Confer, Connor, Cunningham, Davidson, Davis, Drover, Fancher, Flodder, Galbraith, Garrouette, Handy, Hart, Hosmer, Humphreys, Johnston, Kester, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Perry, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Willard, Wimmer, Works and Mr. Speaker—54.

Those who voted in the negative were: Messrs. Arnold of Grant, Brown of Steuben, Campbell, Carter, Connaway, Dailey, Dalton, Donnell, Drake, Edwins, English, Faulkner, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lehman, Major, March, Messick, Nave, Overmyer, Roberson, Robinson, Rodman, Sleeth, Snoddy, Stevens, Thornburg and Watson—35.

The bill passed.

The question being, shall the title of the bill as read stand for the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 392 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Barker, Bearss, Bryant, Carey, Compton, Connaway, Donnell, Drake, English, Faulkner, Fleming, Handy, Harland, Herod, Hess, Hopkins, Huthsteiner, Lehman, Lindley, Messick, Owen, Perry, Reichelderfer, Shanks, Skinner, Sleeth, Snoddy, Taylor of Daviess, Thompson, Vanpelt, VanValzah, Vawter, Willard and Works—33.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carter, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, English, Fancher, Flodder, Galbraith, Garrouette, Golden, Gordon, Hart, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Major, March, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Watson, Wimmer and Mr. Speaker—58.

The bill failed to pass.

Mr. Osborn filed a motion that the House reconsider its action in concurring in the report of the committee on Senate bill No. 103.

Engrossed House bill No. 182 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Handy,

Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Lagrange, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—76.

Those who voted in the negative were: Messrs. Connaway and Kirkpatrick—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 351 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Campbell, Carey, Connaway, Connor, Cunningham, Dalton, Davidson, Donnell, Drover, English, Flodder, Galbraith, Garrouette, Golden, Handy, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Lindley, March, Messick, Miers, Mitchell, Overmyer, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shields, Shutt, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Vanpelt, Vawter, Watson, and Wimmer—54.

Those who voted in the negative were: Messrs. Caldwell, Carter, Compton, Confer, Dailey, Drake, Edwins, Fancher, Faulkner, Gordon, Harland, Hart, Hosmer, Humphreys, Johnston, Kester, Kirkpatrick, Lehman, Major, Nave, Osborn of Elkhart, Osborn of Vermillion, Saint, Shanks, Shauck, Skinner, Snoddy, Stucker, Taylor of Daviess, Thornburg, Tulley, VanValzah, Willard, Works and Mr. Speaker—35.

The bill passed.



The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has amended and passed engrossed House bill No. 112, and the said bill, with the engrossed Senate amendments thereto, is herewith submitted to the House of Representatives.

The Senate amendments to engrossed House bill No. 112 were read.

The question being on concurring in the amendments.

Messrs. Gordon and Humphreys demanded the ayes and noes.

The roll was called:

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drovers, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warwick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—55.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—39.

The amendments were concurred in.

Mr. Miers, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred engrossed Senate bill No. 280, have had the same under consideration and direct me to report the same back, with the following amendment, to-wit: That the word "two" be stricken out of line 4, page 2, and the word "one" inserted in lieu thereof, and when so amended that it do pass.

Report concurred in and the amendment ordered engrossed.

Joint Resolution No. 22 was read the third time and put upon its passage.

The question being, shall the resolution pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Blackford, Arnold of Wabash, Baker, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Gordon, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Messick, Miers, Mitchell, Overmyer, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—79.

Those who voted in the negative were: Messrs. Carter, Handy, Hart, Humphreys, Osborn of Elkhart, Osborn of Vermillion, Perry, Shutt and Stucker—9.

The joint resolution was adopted.

Mr. Campbell moved that when the House adjourn it be to meet at 8 o'clock this evening.

Which was not agreed to.

Engrossed House Bill No. 11 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Bryant, Campbell, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Fancher, Fleming, Flodder, Garrouette, Ginz, Gordon, Handy, Harland, Hess, Hopkins, Hubbard, Kelly, Kester, Kirkpatrick, Major, March, Messick, Mitchell, Overmyer, Owen, Perry, Reed, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vawter, Watson and Willard—63.

Those who voted in the negative were: Messrs. Allen, Baker, Blockley, Caldwell, Drake, English, Faulkner, Galbraith, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Lehman, Lindley, Miers, Nave, Osborn of Vermillion, Scholl, Vanpelt, and Wimmer—20.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Davidson moved that the House do now adjourn.

On which motion Messrs. Willard and Tulley demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Bryant, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dalton, Davidson, Davis, Donnell, Drover, English, Fancher, Fleming, Flodder, Ginz, Hosmer, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Messick, Miers, Nave, Overmyer, Owen, Reed, Reichelderfer, Saint, Scholl, Shields, Skinner, Sleeth, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Vawter, Watson and Wimmer—49.

Those who voted in the negative were: Messrs. Bearss, Caldwell, Campbell, Dailey, Drake, Edwins, Galbraith, Garrouette, Gordon, Harland, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Kester, Major, March, Mitchell, Osborn of Elkhart, Perry, Robin-



inson, Rodman, Schweitzer, Shutt, Snoddy, Stevens, Stucker, Tulley, Vanpelt, Willard and Mr. Speaker—32.

The motion to adjourn prevailed and the House was adjourned

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

### WEDNESDAY MORNING.

MARCH 5, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The House was opened with prayer by Mr. Handy, the member from Hancock.

The journal of yesterday was read in part, when, on motion of Mr. Faulkner, the further reading was dispensed with.

Mr. Willard moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garroutte, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thornburg, Tulley, Vanpelt, Watson, Willard, Wimmer, Works and Mr. Speaker—87.

Mr. Lehman moved that the further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Gordon was granted leave of absence during the day.

Mr. Overmyer moved that the rules be suspended and House bill No. 640 be read the third time and put upon its passage.

Which was agreed to.

Engrossed House Bill No. 640 was read the third time and put upon its passage.

Mr. Shanks moved to recommit the bill to the committee, with instructions to insert the following amendment and report instantly:

That the sum of four thousand eight hundred dollars be annually (for two years) placed under the control of the Governor, with which he shall protect the interest of the State against the first mortgage bonds on the grounds belonging to the State Board of Agriculture, situate in Marion county, Indiana, and on which grounds the State has a lien of twenty-five thousand dollars.

Which was not agreed to.

Mr. Willard demanded the previous question.

Which was seconded.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Compton, Connaway, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Robeson, Robinson, Rooker, Saint, Scholl, Shanks, Shauck, Shutt, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Vanpelt, Watson, Willard, Wimmer, Works and Mr. Speaker—72.

Those who voted in the negative were: Messrs. Bearss, Carter, Confer, Connor, Copeland, Fleming, Garrouette, Ginz, Golden, Hubbard, Mitchell, Reed, Reichelderfer, Rodman, Schweitzer, Shields, Stucker and Taylor of Warrick—18.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

Mr. Overmyer moved to amend the title so as to read as follows :

“An act making specific appropriations for certain purposes therein named.”

Which was agreed to.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Saint moved that the order of business be suspended that the report of the committee on investigating the affairs of the Soldiers' Orphans' Home may be presented.

Which was agreed to.

Mr. Hubbard, from the committee to investigate the affairs of the Soldiers' Orphans' Home at Knightstown, and other benevolent institutions, submitted the following report :

MR. SPEAKER :

Your committee would respectfully report that want of time has prevented us from giving as much attention to the subject as we desired, and we have found it impossible to make an investigation of any of the benevolent institutions.

The law of March 11, 1867, provides that the pay of the trustees shall be four dollars per day for each and every day necessarily employed in attending to their duties, provided that said trustees shall draw no pay for any number of days in any one year.

The general appropriation bill, approved March 10, 1867, contains the following provisions: “For the current expenses and repairs of the Soldiers' and Sailors' Orphans' Home, nineteen thousand eight hundred dollars, out of which shall be paid the per diem and traveling expenses of the trustees.”

The building was destroyed by fire on the ninth day of September, 1877, and rebuilt with the funds received from an insurance on the building and so much of the appropriation for the maintenance of the inmates as was not used, by reason of the greater number of them being sent home during the reconstruction of the building.

We find that the trustees held one meeting each month to audit accounts and perform the regular and ordinary business of the House ; that they audited their own allowances for per diem and traveling expenses every three months. They also held extra meetings after the Home was destroyed by fire ; that they allowed to each of said trustees for holding one meeting in each month, denominated as their regular meetings, thirty dollars every three months ; all other meet-



ings held by them they denominated extra meetings, for which they allowed themselves six dollars per diem, as shown by the records kept by said board. From September 9, 1877, to December 1, 1878, a period of fifteen months, they held six meetings. They charged and drew for their services during said period—

William Hannaman, trustee.. .....	\$594 00
George Sanford, trustee.....	372 00
Ellison Williams, trustee.....	372 00

They were each entitled, by law, for their services during said period, to \$150.

We further find that William Hannaman resides at Indianapolis, Ellison Williams at Knightstown, and George Sanford at Crown Point, in the northeast part of the State; that George Sanford charged and drew traveling expenses and hotel bills in going to Indianapolis and returning to his home, and attending to other business of the Home, that he sometimes traveled directly by Indianapolis from his home to Knightstown, and sometimes by way of Richmond, and which last named route enabled him to take a sleeping car, at an additional expense each trip of from four to five dollars to the State.

We find further that from September 9, 1877, to December 1, 1878, Sanford received for traveling expenses and hotel bills \$1,682.60; Hannaman received for traveling expenses and hotel bills \$122.30; Williams received for traveling expenses and hotel bills \$42.30. Hannaman presented to us an itemized account of his expenses. Williams stated what the items of his expenses were for, but Sanford gave no itemized account of his expenses, but stated that he had an itemized account when the bills were made out and allowed by the board. We find further that the trustees on several occasions bought goods of Williams & Hatfield, of which firm trustee Williams is a member, which is in conflict with the statute concerning the management of the Home. We would, however, state that so far as your committee can ascertain the price paid for goods bought of Williams & Hatfield was reasonable, and no case of overcharge has come to the knowledge of your committee in this connection.

The appropriation law of 1877 provides for the payment of traveling expenses actually incurred by the trustees, but your committee find that the allowances for traveling expenses and hotel bills

made by the board of trustees from September 9, 1877, to December 1, 1878, are largely in excess of what ought to have been incurred and allowed by reasonable and prudent management. We further report that, in the opinion of the committee, said trustees should not have allowed themselves for said extra services and drawn the same from the treasury ; that the amount drawn by Sanford for extra sessions from September 9, 1877 to December 1, 1878, is \$222. That the amount drawn by Hannaman for extra services during the same period is \$444. That the amount drawn by Williams for extra services, during the same period, is \$222. And your committee would respectfully recommend the adoption of the following, viz:

*Resolved*, That the Attorney General of the State of Indiana be and is hereby instructed to take such steps in regard to recovering back to the State the extra per diem paid such trustees as in his opinion is just and warranted under the law and the facts.

And we submit to the House the facts stated in this report for it to take such steps in regard to the removal of said trustees as the House may deem proper under the circumstances.

As regards the other benevolent institutions, the reasons hereinbefore named in regard to the time of your committee being occupied, they have not made investigation, and no charges were presented to your committee against any of the other institutions or officers until the evening of the 24th inst., when charges were presented to us against officers of the other benevolent institutions.

And your committee would further state that it is now engaged in the investigation of the management and affairs of the other benevolent institutions, but your committee would ask that, in case they can not complete such investigation within the limited time of the present session, they be allowed time immediately following the same to complete their duties and report the same to such person or persons as this General Assembly may designate.

Mr. Faulkner moved to recommit the report with instructions to amend.

Which was not agreed to.

Mr. Miers moved to recommit the report to the committee with instructions to amend by inserting "not less than fifteen days."

Which was agreed to.

Mr. Hubbard asked to be relieved as a member of the committee.

Which was not agreed to.

Engrossed House Bill No. 89 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Wabash, Baker, Barker, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davis, Donnell, Drake, Edwins, English, Faulkner, Fleming, Flodder, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Lindley, Major, March, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Owen, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Thornburg, Tulley, Vawter, Willard, Wimmer, Works and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Alden, Arnold of Grant, Caldwell, Campbell, Carey, Carter, Davidson, Galbraith, Garrouette, Ginz, Golden, Hart, Hosmer, Humphreys, Kester, Kirkpatrick, Messick, Miers, Saint, Stucker, Vanpelt, VanValzah and Watson—23.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 27 was read the third time and put upon its passage.

Mr. Scholl submitted the following amendment:

Amend the amendment by striking out the following amendment:

Insert in line 2, page 34, section 18, after the word "convict," the words "nor shall any contractor, or any employe of any contractor or other person, make any gift or present to any convict or barter or deal with any convict."

Which was agreed to.

The question being, shall the bill pass?

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Allen; Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard and Mr. Speaker—93.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act.

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your committee on enrolled bills, to whom was referred enrolled act No. 112, House of Representatives, have examined the same and find it correctly enrolled.

The Speaker reported that he had signed enrolled House bill No. 112.

Engrossed House Bill No. 20 was called up and put upon its passage.

The question being shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Connaway, Connor,

Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Ginz, Golden, Handy, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, VanValzah, Vawter, Watson, Willard and Works—68.

Those who voted in the negative were: Messrs. Blockley, Brown of Jasper, Confer, Copeland, Cunningham, Davidson, Faulkner, Galbraith, Garrouette, Hart, Hosmer, Humphreys, Shutt, Stucker, Tulley, Vanpelt, Wimmer and Mr. Speaker—18.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 69 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drover, Edwins, English, Garrouette, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Saint, Schweitzer, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Vawter, Willard, Wimmer and Works—61.

Those who voted in the negative were: Messrs. Alden, Blockley, Brown of Jasper, Caldwell, Confer, Cunningham, Davidson, Drake, Fancher, Faulkner, Flodder, Galbraith, Handy, Hart, Hosmer, Humphreys, Johnston, Kester, Kirkpatrick, Scholl, Shields, Stucker, Taylor of Warrick, Vanpelt, Watson and Mr. Speaker—26.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion of Mr. Faulkner, the House adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

MARCH 5, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Engrossed House Bill No. 486, was read the third time and put upon its passage.

The question being, shall the bill pass?

Mr. Caldwell moved for a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Fleming, Flodder, Galbraith, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, [Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Willard, Wimmer, Works and Mr. Speaker—88.



Mr. Lehman moved that the doors be closed and the absentees sent for.

Which motion prevailed.

The doors were ordered closed and the following absentees sent for by the Speaker:

*To the Doorkeeper of the House of Representatives:*

You are hereby commanded to make immediate arrest of the following members: Messrs. Bryant, Connor, Copeland, Garrouette, Hosmer, Reichelderfer, Reed, Watson and Wimmer, and bring the same to the bar of the House, to be dealt with as the House may direct.

By order of the House of Representatives, this fifth day of March, 1879.

Attest:

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

Mr. Donnell presented a petition from citizens of Decatur county. Which was referred to the committee on fees and salaries.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 520, with instructions, have had the same under consideration and have amended the same as directed.

Report concurred in and the bill as amended ordered engrossed.

Mr. Taylor, from the committee on corporations, submitted the following report:

MR. SPEAKER:

Your committee on corporations, to whom was referred engrossed Senate bill No. 347, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, from the conference committee on behalf of the House, submitted the following report:

MR. SPEAKER:

The conference committee on the part of the Senate and House of Representatives, to confer upon Senate bill No. 277, respectfully submit the following report and recommendations:

First. Recommend that the House of Representatives do recede from the House amendments to said bill.

Second. That section 1 of said bill be amended by striking out the word "eight" in line 13, and insert in lieu thereof the word "seven."

Amend section 2 by striking out said section and substituting the following:

Sec. 2. Interest on judgments for money hereafter rendered shall be from the date of the return of the verdict or finding of the court, until the same shall be satisfied, at the rate per cent. agreed upon by the parties in the original contract, not exceeding six per cent., and if there is no contract by the parties, at the rate of six dollars a year on one hundred dollars.

Amend section three by striking out all after the word "writing," in line 3, and inserting the following: "On account stated from the day of settlement, or an account closed upon the day an itemized bill shall have been rendered and payment demanded, on money had and received for the use of another and retained without his consent, interest shall be allowed at the rate of six dollars a year on one hundred dollars."

Amend section 4 by striking out, in line 7, after the word "than" the word "eight," and inserting in lieu thereof the word "therefor." In line 3, by inserting after the word "void," in said line, the words "as to the usurious interest contracted for."

Amend section 8 by inserting the following:

Section 8. All acts on the subject of interest, including such as relate to interest on purchase money of canal, college, school, or saline land are hereby repealed, and hereafter the interest on public funds, purchase money of canal, college, or school fund shall be at the rate of seven dollars a year on one hundred dollars; but nothing herein contained shall be construed as affecting existing contracts, except after verdict, as herein provided, nor the right to defend in a suit upon such contracts for excessive interest, as is now provided by law.

Mr. Overmyer moved to lay the report of the conference committee on the table.

Messrs. Overmyer and March demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Bearss, Brown of Steuben, Bryant, Carey, Connaway, Connor, Copeland, Cunningham, Donnell, English, Golden, Harland, Herod, Hess, Hopkins,

Kelly, Kirkpatrick, Lehman, Lindley, Messick, Nave, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Thayer, Thompson, Thornburg and Vawter—36.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carter, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, Fancher, Faulkner, Fleming, Flodder, Galbraith, Ginz, Handy, Hart, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, Major, March, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—60.

The motion to lay on the table did not prevail.

The question again being, shall the report of the committee be concurred in?

Which was agreed to.

Mr. Copeland was granted leave of absence for the balance of the day.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has refused to concur in the report of the conference committee of the Senate and House of Representatives upon Senate bill No. 277, "An act concerning interest on money," and has adopted the following resolution, to-wit:

*Resolved*, That the House be requested to appoint a committee for further conference on Senate bill No. 277, relating to interest, and the Senate appoints Senators Kramer and Hefron on the part of the Senate, with request to the committee of the Senate, if possible, to agree on a bill allowing eight per cent. on special contracts, and six per cent. on judgments.

Mr. Osborn moved that a committee of conference be appointed to meet a similar committee of the Senate.

The Speaker appointed the following members as such committee: Messrs. Osburn and Humphreys.



Mr. Humphreys moved that the further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Alden demanded the previous question on House bill No. 486.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the passage of the bill.

The roll was called.

Those who voted in the affirmative were: Messrs. Carey, Huthsteiner, Lehman, Schweitzer, Shields, Skinner, Taylor of Warrick, Thayer, Vawter and Works—10.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Shanks, Shauck, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Watson, Willard, Wimmer and Mr. Speaker—81.

The bill failed to pass.

Mr. Miers moved to lay the motion of Mr. Overmyer, filed on last Friday, to reconsider the vote ordering engrossed House bill No. 380 on the table.

Which was agreed to.

Engrossed House Bill No. 380 was read the third time.

The question being, shall the bill pass?

Mr. Dailey demanded the previous question.

Which was seconded.

Shall the main question be now put?

So ordered.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Bryant, Caldwell, Compton, Confer, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Miers, Mitchell, Osborn of Elkhart, Perry, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Taylor of Daviess, Taylor of Warrick, Tulley, Vanpelt, VanValzah, Willard, Works and Mr. Speaker—49.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Cunningham, Davis, Donnell, Fancher, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Stucker, Thayer, Thompson, Thornburg, Vawter, Watson and Wimmer—49.

The bill failed to pass.

Engrossed House Bill No. 578 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Osborn of Vermillion, Overmyer, Reichelderfer, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, Vawter, Willard, Wimmer, Works and Mr. Speaker—80.

Those who voted in the negative were: Messrs. English, Skinner, Stucker and VanValzah—4.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 328 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vawter, Watson, Willard, Wimmer and Works—81.

Those who voted in the negative were: Messrs. Alden, Blockley, Carter, Cunningham, Davidson, Edwins, Handy, Humphreys, Owen, Stucker, Vanpelt, VanValzah and Mr. Speaker—13.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Cunningham moved to reconsider the vote on House bill No. 486.

Mr. English moved a call of the House.

The roll was called.



Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—97.

Mr. Owen moved that the further proceedings under the call be dispensed with.

Which was not agreed to.

Mr. Overmyer moved that Mr. Fleming be excused.

On the motion, Messrs. Overmyer and Sleeth demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vawter, Watson, Wimmer and Works—45.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Stucker,

Taylor of Daviess, Taylor of Warrick, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—52.

The motion did not prevail.

The Speaker reported that he had signed enrolled House bill No. 7.

Mr. Humphreys moved that the further proceedings under the call be dispensed with.

Mr. Sleeth moved that the motion do lie on the table.

Messrs. Sleeth and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—41.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—57.

The motion did not prevail.

Mr. Humphreys demanded the previous question on the motion to dispense with the call of the House.

Messrs. Gordon and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major,

Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Perry, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Works and Mr. Speaker—54.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Nave, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Wimmer—44.

The demand was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question being, will the House suspend proceedings under the call?

Which was agreed to.

Mr. Humphreys moved the previous question on the motion of Mr. Cunningham to reconsider the vote on House bill No. 486.

Which was seconded.

The question being, will the House reconsider its action on the vote on House bill No. 486?

On which motion Messrs. Sleeth and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—56.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland,



Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—43.

The motion was concurred in.

Mr. Overmyer moved to adjourn.

On the motion, Messrs. Overmyer and Golden demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Nave, Osborn of Elkhart, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Works—45.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Fiodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer and Mr. Speaker—54.

The motion to adjourn was not agreed to.

Mr. Overmyer moved that House Bill No. 486 do lie on the table.

Messrs. Overmyer and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hosmer, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Nave, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks,

Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburgh, Vawter and Watson—43.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Wimmer, Works and Mr. Speaker—56.

The motion did not prevail.

Mr. Herod moved to adjourn.

On which motion Messrs. Herod and Overmyer demanded the ayes and noes:

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Blackford, Arnold of Wabash, Baker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Nave, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—45.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Osborn of Elkhart, Perry, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard and Mr. Speaker—54.

The motion did not prevail and the House refused to adjourn.

Mr. Humphreys demanded the previous question, on the passage of the bill.

On which demand Messrs. Gordon and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Osborn of Elkhart, Overmyer, Owen, Perry, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Works and Mr. Speaker—55.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Cope-land, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Nave, Osborn of Vermillion, Reichelderfer, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Thayer, Thornburg, Vawter, Watson and Wimmer—43.

The demand was seconded.

Mr. Overmyer moved to reconsider the vote by which the previous question was seconded.

Mr. Briggs moved to lay the motion on the table.

On which Messrs. Overmyer and Connaway demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Barker, Blockley, Briggs, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Osburn of Elkhart, Osburn of Vermillion, Owen, Perry, Reed, Reichelderfer, Robeson, Rooker, Saint, Scholl, Schweitzer, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Works and Mr. Speaker—56.



Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Nave, Overmyer, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Wimmer—40.

The motion to lay on the table was agreed to.

The question being, shall the main question be now put?

On which, Messrs. Overmyer and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard, Works and Mr. Speaker—53.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Nave, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Wimmer—45.

The main question was ordered.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman,

Miers, Mitchell, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—50.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Major, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vawter, Watson, Wimmer and Works—49.

The bill failed to pass for want of a constitutional majority.

Mr. Arnold of Wabash, filed a motion to reconsider the vote on House bill No. 392.

On motion, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

---

## THURSDAY MORNING.

MARCH 6, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Hess, the further reading was dispensed with.

Mr. Overmyer moved to suspend the order of business, so that he might present a resolution.

On the motion, Messrs. Overmyer and Golden demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Carey, Carter, Compton, Connaway, Connor, Copeland, Donnell, Faulkner, Golden, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Kelly, Lindley, Major, March, Messick, Osborn of Elkart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Shanks, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vawter, Watson, Willard and Works—54.

Those who voted in the negative were: Messrs. Allen, Caldwell, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Fleming, Flodder, Galbraith, Garoutte, Ginz, Hart, Johnston, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Rooker, Saint, Schweitzer, Shauck, Shields, Taylor of Warrick, Tulley, Vanpelt, Van Valzah, Wimmer and Mr. Speaker—36.

The motion prevailed.

Mr. Overmyer submitted the following resolution:

WHEREAS, The appropriation bills have all passed the House of Representatives; and

WHEREAS, Said bills can easily be completed before the end of this session; and

WHEREAS, Therefore there is no necessity for a special session; therefore,

*Resolved by the House of Representatives (the Senate concurring),* That it is the duty of this General Assembly to complete said appropriation bills at once, to the end that no special session shall be called.

Which was ruled to be out of order by the Speaker.

Mr. Overmyer filed the following appeal from the decision of the chair, to-wit:

The chair having ruled the said resolution out of order, the order of business having been suspended for its introduction, we appeal from the decision of the chair.

The question being, shall the decision of the chair stand as the decision of the House?

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Fleming, Floder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer and Works—58.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Golden. Gordon, Harland, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—37.

The decision was sustained.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 591, introduced by Mr. Donnell, beg leave to report that they have had the same under consideration and recommend that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, from the conference committee on the part of the House of Representatives, submitted the following report:

MR. SPEAKER:

The conference committee to confer upon Senate bill No. 277 respectfully submit the following report and recommendations:

Recommend that the House of Representatives do recede from the House amendments to said bill.

Amend section 2 by striking out said section and substituting the following: Section 2. Interest on judgments for money hereafter rendered shall be from the date of the return of the verdict or finding of the court until the same shall be satisfied at the rate per cent. agreed upon by the parties in the original contract, not exceeding six per cent., and if there is no contract by the parties, at the rate of six dollars a year on one hundred dollars.

Amend section 3 by striking out all after the word "writing," in line 3, and inserting the following: On an account stated from the day of settlement, or on an account closed upon the day an itemized bill shall have been rendered and payment demanded, on money had and received for the use of another and retained without his consent, interest shall be allowed at the rate of six dollars a year on one hundred dollars.

Amend section 4 by striking out the word "therefor," in line 3, and inserting after the word "void," in said line, the words "as to the usurious interest contracted for."

Amend by striking out section 8 and inserting the following: Section 8. All acts on the subject of interest, including such as relate to interest on public funds, interest on purchase money of canal, college, school or saline lands, are hereby repealed, and hereafter the interest on public funds, purchase money of canal, college, school or saline lands, and upon the permanent school fund, shall be at the rate of eight dollars a year on one hundred dollars; but nothing herein contained shall be construed as affecting existing contracts, except after verdict, as herein provided, nor the right to defend in a suit upon such contract for excessive interest, as is now provided by law.

Mr. English moved the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

On concurring in the report of the conference committee Messrs. Overmyer and Humphreys demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shields, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Van Valzah, Vawter, Watson and Mr. Speaker—77.

Those who voted in the negative were: Messrs. Arnold of Grant, Blockley, Brown of Steuben, Carter, Dalton, English, Faulkner, Gordon, Major, March, Messick, Mitchell, Saint, Shauck, Shutt, Skinner, Sleeth, Taylor of Lagrange, Vanpelt, Willard, Wimmer and Works—22.

The report was concurred in.

The Speaker reported that he had signed enrolled Senate bill No. 60.

Mr. English, from the committee on conference on the apportionment bill, submitted the following report:

MR. SPEAKER:

The conference committee of the Senate and House upon engrossed House bill No. 340, have had under consideration the question of the amendment of the Senate to said bill, and have agreed upon and instructed me to report the following amendments to the Senate amendments to said bill, to-wit:

Amend by striking out the words "and Monroe" out of the twenty-fourth line, page 6, so as to read "Lawrence one."

Amend by striking out the words "Montgomery and Brown," in line 65, page 8, and insert the the words "Clay and Hendricks," so as to read "Clay, Putnam and Hendricks, one."

Amend by striking out the word "Decatur," in line 79, page 9, and insert the word Ripley," so as to read "Franklin, Dearborn and Ripley, one."

Amend by striking out the words "Clinton and Hamilton" in line 99, page 10, and insert "Elkhart, Noble and Dekalb, one."

And the committee recommend that when the Senate amendment is so amended that the amendment be agreed to.

The question being, will the House concur?

Mr. English demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

Mr. Overmyer asked a division of the question.

It was so ordered.

The first and second amendments were severally concurred in by the House, by general consent.



On concurring in the third amendment, Messrs. Owen and Hess demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davis, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—61.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, and Watson—38.

The third amendment was concurred in.

On concurring in the fourth amendment, Messrs. Stevens and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Compton, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Willard, Works and Mr. Speaker—56.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Major, March,

Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thornburg and Watson—33.

The fourth amendment was concurred in.

The question being, will the House concur in the report as a whole.

Which was concurred in.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture, to whom was referred House bill No. 603, have had the same under consideration and a majority have directed me to report the same back, with a recommendation that it lie on the table.

Report concurred in.

Mr. Barker, from the committee on drains and dykes, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 17, have had the same under consideration and recommend that it do pass.

Report concurred in.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 399, have considered the same and they recommend that the bill be amended as follows, viz:

By inserting after the word "yes," in line 6 of section 2, the following, viz: "In one lien," and in another line the word "no," and by striking out the word "such" in line 5 of section 2 and inserting in lieu thereof the word "each," and be further amended by inserting after the word "yes" in line 9 of section 3, the following: "And," erase the word "no" by drawing a line across it or otherwise, and that the same be further amended by inserting after the word "shall," in line 11 of section 3, the words "in like manner," and by inserting after the word "out," in line 11 of section 3, the following: "And the word no shall be left and if both words are

allowed to remain without either of them being so erased the vote shall not be counted either way."

Report concurred in and the amendment ordered engrossed.

Mr. Overmyer moved that the order of business be suspended, so that engrossed Senate bill No. 399 may be taken up and put upon its passage.

On which motion, Messrs. Owen and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Briggs, Brown of Jasper, Bryant, Campbell, Carey, Carter, Compton, Connaway, Copeland, Dailey, Davis, Donnell, Drover, Edwins, English, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Saint, Scholl, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Davies, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Vawter, Watson and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Alden, Barker, Blockley, Caldwell, Confer, Cunningham, Davidson, Drake, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Kester, Mitchell, Nave, Perry, Reichelderfer, Rooker, Schweitzer, Shields, Shutt, Stucker, Thompson, Tulley, Van Valzah, Willard and Wimmer—33.

The motion prevailed.

Engrossed Senate bill No. 399 was read the third time.

Mr. Willard moved that the bill do lie on the table.

On which motion Messrs. Overmyer and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Barker, Blockley, Cunningham, Drake, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Handy, Hart, Hosmer, Kester, Mitchell, Nave, Perry, Reichelderfer, Schweitzer, Shields, Stucker, Thompson, Tulley and Willard—23.

Those who voted in the negative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Briggs, Brown of Jas-



per, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Davidson, Davis, Donnell, English, Fancher, Gordon, Harland, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—67.

The motion to lay on the table was not agreed to.

Mr. Willard moved that the enacting clause be stricken out.

On which motion, Messrs. Overmyer and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were Messrs. Alden, Barker, Blockley, Confer, Cunningham, Drake, Faulkner, Fleming, Galbraith, Handy, Hosmer, Mitchell, Reichelderfer, Schweitzer, Shields, Thompson, Tulley and Willard—18.

Those who voted in the negative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Dalton, Davidson, Donnell, Drover, English, Fancher, Garrouette, Golden, Gordon, Harland, Hart, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Major, March, Messick, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vanpelt, Vawter, Wimmer, Works and Mr. Speaker—64.

The motion was not agreed to.

Mr. Briggs moved the previous question.

Mr. Willard moved to lay the motion on the table.

On which motion, Messrs. Willard and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Barker, Blockley, Confer, Cunningham, Drake, Faulkner, Fleming,

Flodder, Galbraith, Garrouthe, Hosmer, Mitchell, Nave, Perry, Reichelderfer, Schweitzer, Shields, Thompson. Tulley and Willard—21.

Those who voted in the negative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Dalton, Davidson, Davis, Donnell, Drover, Fancher, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—76.

The motion was not agreed to.

Mr. Willard moved that the House do now adjourn.

On which motion the ayes and noes were demanded.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Brown of Steuben, Confer, Connaway, Cunningham, Donnell, Faulkner, Fleming, Golden, Hess, Hosmer, Hubbard, Kelly, Mitchell, Nave, Overmyer, Owen, Reichelderfer, Rooker, Saint, Schweitzer, Sleeth, Thayer, Thompson, Watson and Willard—30.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Drake, Edwins, English, Flodder, Galbraith, Garrouthe, Ginz, Gordon, Handy, Harland, Hart, Herod, Hopkins, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Robeson, Robinson, Rodman, Scholl, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—66.

The motion did not prevail.

The question being, shall the main question be now put?

On which Messrs. Willard and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, English, Fancher, Flodder, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Saint, Scholl, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warriek, Thayer, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

Those who voted in the negative were: Messrs. Alden, Confer, Barker, Cunningham, Drake, Faulkner, Fleming, Galbraith, Garrouette, Hosmer, Mitchell, Nave, Perry, Reichelderfer, Schweitzer, Thompson, Tulley and Van Valzah—18.

The motion prevailed.

The Speaker reported that he had signed enrolled House acts Nos. 9, 12 and 24 and Senate act No. 69.

The Speaker reported that he had signed enrolled Senate act No. 184 and joint resolutions Nos. 1, 2, 3, 4, 5, 6 and 9.

Mr. Willard moved to reconsider the vote on the question putting the main question.

Mr. English moved to lay the motion on the table.

On which motion Messrs. Willard and Thompson demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carter, Compton, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drover, English, Fancher, Flodder, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick,



Lehman, Lindley, Major, March, Messick, Miers, Osborn of Elkhart, Osborn of Vermillion, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Shanks, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Vanpelt, Van Valzah, Vawter, Watson, Wimmer and Mr. Speaker—72.

Those who voted in the negative were: Messrs. Baker, Barker, Confer, Cunningham, Faulkner, Fleming, Galbraith, Mitchell, Nave, Perry, Reichelderfer, Schweitzer, Thayer, Thompson, Tulley and Willard—16.

The motion was agreed to.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Flodder, Ginz, Golden, Gordon, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—75.

Those who voted in the negative were: Messrs. Alden, Barker, Blockley, Confer, Cunningham, Drake, Faulkner, Fleming, Galbraith, Garrouette, Handy, Hosmer, Mitchell, Nave, Perry, Reichelderfer, Schweitzer, Shields, Thompson, Tulley and Willard—21.

The bill passed.

The question being, shall the title of the bill stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Willard submitted the following appeal from the decision of the chair, to-wit:

The main question having been ordered on the passage of bill No. 399, Mr. Willard, of Floyd, then moved to adjourn, which the

Speaker decided out of order, from which decision of the chair exception is taken.

The question being, shall the decision of the chair stand as the decision of the House?

On which question Messrs. Willard and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Bearss, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Compton, Copeland, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Flodder, Garrouette, Ginz, Handy, Harland, Hart, Hopkins, Hubbard, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Reed, Robeson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Van Valzah, Watson and Wimmer—62.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Blockley, Bryant, Confer, Connaway, Connor, Cunningham, Donnell, Faulkner, Galbraith, Golden, Gordon, Herod, Hess, Hosmer, Johnston, Kelly, Lindley, Major, Nave, Overmyer, Owen, Perry, Reichelderfer, Robinson, Rooker, Snoddy, Stevens, Thompson, Vawter, Willard and Works—34.

The chair was sustained.

Mr. Reed moved that the House do now proceed to the business on the Speaker's table.

Which was not agreed to.

Engrossed House Bill No. 195 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart,

Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Thoruburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—88.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion of Mr. Herod the House adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

MARCH 6, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Overmyer moved that the roll now be called, beginning with the letter "K," and as the name of each member is called he may call up either a Senate or a House bill that has not yet been acted upon on third reading.

Mr. Humphreys moved that the motion of Mr. Overmyer do lay on the table.

On which motion Messrs. Overmyer and Golden demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drover, Edwins, Eng-



glish, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Hubbard, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt and Mr. Speaker—47.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Johnston, Kirkpatrick, Lindley, Major, March, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thornburg, Vawter, Watson, Willard and Wimmer—47.

The motion was not agreed to.

The question recurring on the adoption of Mr. Overmyer's motion, Messrs. Overmyer and Watson demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Steuben, Campbell, Carter, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Willard, Wimmer and Works—42.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Warrick, Thompson, Tulley, Vanpelt and VanValzah—57.

The motion was not agreed to.

Mr. Faulkner moved that the House do now proceed to take up the business on the Speaker's table.

Which was agreed to.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 23, and the same is hereby submitted to the House for its action thereon.

Senate Concurrent Resolution No. 23, in regard to Morgan Raid Commissioners, was read and adopted.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 374, and the same is herewith submitted to the House of Representatives for its action thereon.

Engrossed Senate Bill No. 374, entitled "An act to alter and amend the charter of the town of Clarksville, and to make such regulations as may be necessary for carrying into effect the objects contemplated in granting the same, and supplemental to an act entitled an act amendatory of the charter of the town of Clarksville, in Clark and Floyd counties, approved June 17, 1852."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 14.

Also engrossed House bill No. 15.

Also engrossed House bill No. 55.

Also engrossed House bill No. 56.

Also engrossed House bill No. 578.

Also engrossed House bill No. 122.

Also engrossed Senate bill No. 55.

Also engrossed Senate bill No. 21.

Also engrossed House bill No. 231.

And the said bills are herewith submitted to the House of Representatives.

Engrossed Senate Bill No. 442 was read the second time.

Mr. Overmyer moved that the constitutional rules be suspended, and that engrossed Senate bill No. 442 be read the third time and put upon its passage.

Mr. Willard moved to lay the motion on the table.

On which motion, Messrs. Overmyer and Sleeth demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Scholl, Schweitzer, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard and Mr. Speaker—49.

Those who voted in the negative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Mes-sick, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Saint, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—49.

The motion to lay on the table was not agreed to.

The question recurring on the motion of Mr. Overmyer.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Mes-sick, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Saint, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Vawter, Watson, Wimmer and Works—48.



Those who voted in the negative were: Messrs. Alden, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Dailey, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Scholl, Schweitzer, Shields, Shutt, Stucker, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard and Mr. Speaker—47.

The motion did not prevail.

The following message was received from the Senate by the Secretary thereof:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate joint resolution No. 22, and the same is herewith submitted to the House for its action thereon.

Senate Joint Resolution No. 22, providing for the appointment by the Governor, Auditor and Secretary of State of some suitable person to survey certain lands belonging to the State.

Was read.

The question being, shall the joint resolution pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Fleming, Flodder, Galbraith, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Kester, Lehman, Lindley, March, Messick, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reichelderfer, Rodman, Saint, Scholl, Shauck, Shutt, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Works and Mr. Speaker—67.

Those who voted in the negative were: Messrs. Allen, Connor, Copeland, English, Faulkner, Golden, Gordon, Hubbard, Johnston, Kelly, Kirkpatrick, Major, Miers, Mitchell, Owen, Reed, Robeson, Robinson, Schweitzer, Shanks, Shields, Skinner, Sleeth, Snoddy Stevens, Thornburg, Willard and Wimmer—28.

The resolution passed.

Mr. Overmyer moved to reconsider the vote just taken on joint resolution No. 22.

Mr. Saint moved to lay the motion on the table.

On which motion, Messrs. Golden and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carter, Compton, Confer, Cunningham, Dalton, Davidson, Drover, Edwins, English, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Huthsteiner, Kester, Lehman, Miers, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Saint, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Wimmer and Mr. Speaker—48.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Carey, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drake, Fancher, Faulkner, Golden, Gordon, Harland, Hess, Hopkins, Hubbard, Kelly, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Thayer, Thornburg, Vawter, Watson, Willard and Works—39.

The motion to lay on the table was agreed to.

The question being, shall the title of the joint resolution as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 313.

Also, that the Senate has passed engrossed Senate bill No. 392.

And the same are herewith submitted to the House of Representatives for its action thereon.

Engrossed Senate Bill No. 392, entitled "An act legalizing the practice of circuit courts in calling causes for issues and in entering judgment on the first day of the term, and declaring an emergency."

Read the first time.

Engrossed Senate Bill No. 21, entitled "An act to amend sections 1, 5, and 7 of an act entitled an act to establish city courts in cities having a population of six thousand inhabitants, and defining their jurisdiction and mode of procedure therein, approved March 12, 1875."

Read the first time.

Engrossed Senate Bill No. 55, entitled "An act legalizing the incorporation of the Kokomo Building, Loan Fund and Saving Association of Kokomo, Indiana, and to legalize all the acts of said association and all contracts made by and with said association, and declaring an emergency."

Read the first time.

Engrossed Senate Bill No. 313, entitled "An act to legalize sheriffs, administrators, guardians and commissioner's sales of real estate, made in pursuance of notices of such sales having been printed in the English language in newspapers published in the German language."

Read the first time.

Mr. Owen moved that the order of business be suspended, and that House bill No. 22 be taken up and put upon its passage.

Mr. Kirkpatrick moved to lay the motion on the table.

Which was agreed to.

Mr. Overmyer moved to reconsider the vote.

Mr. Kirkpatrick moved to lay the motion of Mr. Overmyer on the table.

On which motion Messrs. Overmyer and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Barker, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Dailey, Davidson, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lehman, Miers, Mitchell, Osborn of Elkhart, Perry, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah and Mr. Speaker—49.



Those who voted in the negative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Lindley, Major, March, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson, Willard and Wimmer—48.

The motion to lay on the table was agreed to.

Engrossed House Bill No. 486 was taken up and put upon its passage.

Mr. Overmyer demanded a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Wimmer and Mr. Speaker—95.

Mr. Briggs moved that the further proceedings under the call be dispensed with.

Mr. Golden moved to lay the motion on the table.

On which motion Messrs. Overmyer and Golden demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Bearss, Campbell, Carey, Connor, Copeland, Fancher, Golden, Gordon, Herod, Hess, Hubbard, Lindley, March, Messick, Overmyer, Robeson, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Vawter and Watson—23.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Owen, Perry, Robinson, Rodman, Saint, Scholl, Schweitzer, Shields, Shutt, Sleeth, Stucker, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt and Van Valzah—59.

The motion was not agreed to.

The question recurring on the motion of Mr. Briggs.

The same was agreed to.

The Speaker reported that he had signed enrolled Senate bill No. 382 and enrolled House act No. 56.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, Van Valzah, Willard and Mr. Speaker—54.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor

of Lagrange, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—46.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 383 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Garrouette, Handy, Harland, Hart, Herod, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Tulley, Vanpelt, Van Valzah, Watson, Willard, Wimmer, Works and Mr. Speaker—80.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 80 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Stevens, Stucker, Taylor of Lagrange, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—75.

Those who voted in the negative were: Messrs. Connaway, Copeland and Garrouette—3.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 207 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Bearss, Briggs, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Gordon, Handy, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Reichelderfer, Robeson, Robinson, Rooker, Saint, Schweitzer, Shanks, Shutt, Skinner, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Vanpelt, Vawter, Watson, Wimmer and Mr. Speaker—57.

Those who voted in the negative were: Messrs. Baker, Blockley, Brown of Jasper, Caldwell, Copeland, Cunningham, Davidson, Flodder, Galbraith, Garrouette, Ginz, Hart, Hosmer, Kester, Messick, Nave, Rodman, Shields, Snoddy and Willard—20.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 22 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Gordon, Handy, Hart, Herod, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Owen, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Taylor of Daviess, Taylor of Lagrange, Taylor of Warriek, Thayer, Thompson, Vanpelt, Watson, Willard, Wimmer, Works and Mr. Speaker—67.

Those who voted in the negative were: Messrs. Arnold of Wabash, Copeland, Cunningham, Dailey, Harland, Hess, Hopkins, Hosmer, Nave, Robeson, Skinner, Sleeth, Stevens and Stucker—14.

The bill passed.

The title was read.

Mr. Connor moved to amend the title as follows:

An act to provide for exempting property from attachment and sale on execution in certain cases.

Which was agreed to.

The question being, shall the title of the bill as amended stand for the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 273 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vawter, Watson, Wimmer, Works and Mr. Speaker—83.

Those who voted in the negative were: Messrs. Humphreys and Miers—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was ordered to inform the Senate thereof.

Engrossed House Bill No. 173 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Fancher, Flodder, Galbraith, Garrouette, Gordon, Harland, Hart, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Robeson, Robinson, Rooker, Saint, Schweitzer, Shanks, Shauck, Shutt, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Watson and Wimmer—66.



Those who voted in the negative were: Messrs. Faulkner, Johnston, Miers, Shields, Stucker, Vanpelt, Vawter and Mr. Speaker—8.  
The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled House act No. 340.

Engrossed Senate Bill No. 207 was read the third time.

Mr. Overmyer moved to recommit the bill to a select committee of three, with the following amendment:

Amend, "That no judgment rendered by the Marion circuit court under the provisions of this act shall be paid until the Legislature sitting after the rendition of said judgment shall have appropriated the money to pay such judgment, and such payment shall be held conclusive as to the amount of such claim so adjudicated."

On the motion to recommit Messrs. Gordon and Campbell demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Carter, Compton, Connaway, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Edwins, Faulkner, Garrouette, Ginz, Handy, Harland, Hart, Hess, Hubbard, Huthsteiner, Kelly, Lehman, March, Messick, Miers, Osborn of Elkhart, Overmyer, Perry, Reichelderfer, Shanks, Shauck, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Tulley, Van Valzah, Vawter, Wimmer, Works and Mr. Speaker—50.

Those who voted in the negative were: Messrs. Barker, Campbell, Confer, Copeland, Cunningham, Drake, Drover, Fancher, Galbraith, Gordon, Hopkins, Hosmer, Johnston, Kester, Kirkpatrick, Major, Mitchell, Nave, Osborn of Vermillion, Owen, Reed, Robeson, Robinson, Saint, Schweitzer, Shields, Shutt, Skinner, Stucker, Taylor of Warrick, Thornburg, Vanpelt, Watson and Willard—34.

The motion prevailed, and the Speaker appointed the following committee:

Messrs. Overmyer, Humphreys and Miers.

On motion of Mr. Herod the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## FRIDAY MORNING.

MARCH 7, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The House was opened with prayer by the Rev. John B. Abbott, of Indianapolis.

The Journal of yesterday was read in part, when, on motion of Mr. Herod, the further reading was dispensed with.

Mr. Herod submitted the following resolution :

*Resolved by the House of Representatives (the Senate concurring therein),* That the pay of the Reading Clerks of the House of Representatives and Senate be fixed at six dollars per day from the 9th day of January and until the same be fixed by law, and that the Speaker of the House and the President of the Senate be instructed to draw their warrant for the same.

On the adoption of the resolution Messrs. Shauck and Cunningham demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Conna-way, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Reed, Reichelderfer, Robeson, Robinson, Rodman, Schweitzer, Shanks, Shields, Skinner,

Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, Van Valzah, Watson, Willard, Works and Mr. Speaker—77.

Those who voted in the negative were: Messrs. Arnold of Wabash, Copeland, Faulkner, Johnston, Rooker, Shauck, Shutt and Stucker—8.

The concurrent resolution was adopted.

Mr. Overmyer submitted the following resolution :

*Resolved by the House, (the Senate concurring),* That the Auditor of State be instructed to draw his warrant on the Treasurer of State for the per diem of the members of the special committee appointed to investigate the benevolent institutions, at the rate allowed such members by law, upon the certificate of the chairman of such committee. Such members shall not draw pay for more than fifteen days each, after the adjournment of this Regular Session of the General Assembly.

On the adoption of the resolution, Messrs. Tulley and Faulkner demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Flodder, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Schweitzer, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Vanpelt, VanValzah, Vawter, Watson, Works and Mr. Speaker—78.

Those who voted in the negative were: Messrs. Faulkner, Galbraith, Johnston, Kirkpatrick, Rooker, Stucker, Tulley and Wimmer—8.

The resolution was adopted.

Mr. Overmyer, from the committee on ways and means, submitted the following report:



MR. SPEAKER:

Your committee on ways and means, to whom was referred House bill No. 81, have had the same under consideration and direct me to report it back to the House, with the recommendation that the bill do pass.

Report concurred in and bill ordered engrossed.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 2, introduced by Mr. Davidson; No. 8, introduced by Mr. Caldwell; No. 18, introduced by Mr. Dalton; No. 4, introduced by Mr. Edwins; No. 34, introduced by Mr. Watson; No. 43, introduced by Mr. Baker; No. 61, introduced by Mr. Connaway; No. 72, introduced by Mr. Hubbard; No. 117, introduced by Mr. Major; No. 125, introduced by Mr. Allen; No. 134, introduced by Mr. Briggs; No. 149, introduced by Mr. Tulley; No. 152, introduced by Mr. Compton; No. 171, introduced by Mr. Handy; No. 177, introduced by Mr. Copeland; No. 181, introduced by Mr. Robinson.

All of the foregoing bills are concerning and relating to interest on money. The committee have had the same under consideration, and, a bill having been prepared by the committee, the foregoing bills are returned to the House, with the recommendation that they do lie upon the table.

Report concurred in.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred Engrossed Senate Bill No. 56, have had the same under consideration and have instructed me to report back to the House and recommend that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 427, introduced by Mr. Works, have had the same under consideration and

have instructed me to report the same back to the House, with the recommendation that the bill do lie on the table.

Report concurred in.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 634, have had the same under consideration and have instructed me to report back to the House, with the recommendation that the same do lie on the table.

Report concurred in.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 574, introduced by Mr. Herod, have had the same under consideration and have instructed me to report the same to the House, with the recommendation that the bill do lie on the table.

Report concurred in.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 582, have had the same under consideration, and have instructed me to report it back to the House, with the recommendation that the same do lie on the table.

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 255, have had the same under consideration and have directed me to report the same back and recommend that it do lie on the table, as there is before the House a Senate bill covering the same ground.

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 483, have had the same under consideration and direct me to report the same back to the House, with the recommendation that it do lie on the table.

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 71, have had the same under consideration and direct me to report the same back, with the recommendation that it be amended as follows:

First. Strike out the first section.

Second. Insert "if" before "upon," in the eighteenth line.

Third. Strike out the word "and" in the nineteenth line, and insert the following: "or, upon his appearance, the judgment plaintiff."

Fourth. Strike out all of the twenty-second line except the word "to," and insert the following: "insufficient, and the defendant fail."

Report concurred in and amendments ordered engrossed.

Mr. Works offered the following resolution:

WHEREAS, The committee on insurance have called upon the Attorney General for his opinion upon the legality of certain fees collected by the Auditor of State, and whether such Auditor should be required to pay into the State treasury any of the fees collected by him from insurance companies under the act of 1877; and

WHEREAS, Such opinion has been prepared, but not forwarded to this House, therefore,

*Resolved*, That the Attorney General be instructed to forward such opinion to this House at once.

Which was adopted.

Mr. Works, from the committee on the judiciary, submitted the following report:



MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 146, with instructions to strike out section 2, have had the same under consideration and recommend that the same be amended by striking out said section, and that when so amended the bill do pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred Senate bill No. 194, recommend that said bill be amended as follows, to-wit:

Amend by inserting at the end of ninth line, section 2, after the word "church," the following:

Husband and wife as to communications made to each other during marriage.

Further amend by adding the following clause to the second section:

*Provided*, That a witness who is an expert in any art, science, trade, profession or mystery, may be compelled to appear and testify to an opinion as such expert in relation to any matter, whenever such opinion is material evidence relevant to any issue on trial before a court or jury, without payment or tender of compensation other than the per diem and mileage allowed by law to witnesses, under the same rules and regulations that he can be compelled to appear and testify to his knowledge of facts relevant to the same issue.

And when the bill is so amended that it do pass.

Report concurred in and the amendments ordered engrossed.

Mr. Briggs, from the committee on organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred Senate bill No. 119, have had the same under consideration and direct me to report the same back to the House, with the recommendation that the same do lie upon the table.

Report concurred in.

Mr. Taylor, from the committee on organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on organization of courts, to whom was referred House bill No. 398, by Mr. Shanks, to create a new judicial circuit and change certain existing circuits, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 613, have had the same under consideration and direct me to report the same back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Miers, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee on education, to whom was referred House bill No. 624, have had the same under consideration and direct me to report the same back, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Wimmer, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of James Cravens for ditching swamp lands in Tipton county in the year 1868, amounting to \$2,710, have had the same under consideration and direct me to report it back to the the House, with the recommendation that it be rejected.

Report concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Jesse Jones, trustee of the Indiana Bridge, Roof and Bolt Company,

for fence at Indiana State Reformatory for Women and Girls, have had the same under consideration and direct me to report it back, with the recommendation that it be rejected.

Report concurred in.

Mr. Shutt, from the committee on claims submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the claim of Charles Kindler, for keys, key-checks and key-rings, furnished the Clerk of the House, have had the same under consideration and recommend that the same be referred to the Clerk, and if certified by him as correct, that it be allowed.

Report concurred in.

Mr. Shutt, from the committee on claims submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Gray & Beyschlag for \$22.15, for toilet articles furnished the House, have had the same under consideration and direct me to report it back to the House with the recommendation that it be referred to the doorkeeper of the House for verification, and if found correct, and so certified by him, that the claim be allowed.

Report concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the claim of the city of Indianapolis for reimbursement in the matter of expenses incurred during the railroad strike, have had the same under consideration, and direct me to report it back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the claim of the city of Indianapolis for reimbursement in the matter of expenses incurred in the railroad strike of July, 1877, have had the same under consid-



eration, and directs me to report it back to the House with the recommendation that the claims be disallowed, for the reason that the State has already assumed her due proportion of said expenses.

Report concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claims of Aheimaaz Chambers and others as witnesses before the committee on Prisons, during the investigation at Jeffersonville, have had the same under consideration and direct me to report the same back to the House, with the recommendation that the claims be allowed.

Report concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Adolph Harder, have had the same under consideration and direct me to report it back to the House, with the recommendation that the claim be rejected for want of evidence.

Report concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Hendricks, Hord & Hendricks for legal opinion furnished the Superintendent of Public Instruction, have had the same under consideration and direct me to report it back to the House with the recommendation that the claim be rejected.

Report concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of the Masonic Savings Bank, have had the same under consideration and, finding that the same was rejected by the committee created by an act approved March 10, 1877, to ascertain and report all claims found to be just against the State Prison South, respectfully recommend that the claim be rejected.

Report concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Frank Bird's Transfer for carriage hire to the joint committee on public buildings, have had the same under consideration and direct me to report it back to the House, with the recommendation that six dollars of the amount of the claim be allowed.

Report concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of David B. Wilson, Doorkeeper, for articles purchased for the use of the House, amounting to \$4.15, have had the same under consideration and direct me to report it back to the House, with the recommendation that the claim be allowed.

Report concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Samuel H. Wilson, for washing 130 towels for use in the wash room of the House, direct me to report it back to the House, with the recommendation that six dollars of the claim be allowed.

Report concurred in.

Mr. Allen, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Alfred Mondy for failure of title to lands purchased of the State, have had the same under consideration and a majority of the committee present report it back to the House, with the recommendation that the claim be allowed.

Mr. Shutt, from the committee on claims, submitted the following minority report:

MR. SPEAKER:

The minority of the committee on claims being unable to concur in the majority report of the committee on the claim of Alfred Mondy, for failure of title to land purchased of the State, respectfully recommend to the House that the claim be rejected.

On concurring in the minority report Messrs. Tully and Faulkner demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Barker, Brown of Steuben, Carey, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davis, Drake, Edwins, English, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Ginz, Handy, Hart, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shields, Shutt, Stevens, Thornburg, Tulley and Watson—49.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Davidson, Donnell, Drover, Flodder, Gordon, Herod, Hopkins, Kelly, Lehman, Lindley, Messick, Nave, Overmyer, Scholl, Sleeth, Stucker, Taylor of Daviess, Vanpelt, Vawter, Willard, Wimmer, Works and Mr. Speaker—32.

The minority report was concurred in.

Mr. Wimmer, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Smyser, Milton & Co., have had the same under consideration, and the committee being unable to agree upon the disposition of the claim, the undersigned members respectfully recommend to the House that the claim be allowed and the same included in the specific appropriation, for the reasons that the commissions created by the act approved March 10, 1877, to ascertain and certify to the Auditor of State all just claims against the State Prison South, contracted prior to the 15th day of December, 1876, and whose action was final under the law, did certify to this claim to the Auditor of State as just and due, as appears on page 3 of the Register of Claims, filed in the Auditor of State's office by the commission. And as the commission say in their report to the Governor, which is also on



file in the Auditor of State's office, that they, with the realization that their determination was final under the law and not subject to any revision by any other tribunal or person in the State, investigated every claim with the utmost caution and vigilance, we are bound to recognize their action and make the necessary appropriation to pay the debts they certify to be just and due.

Mr. Shutt, from the committee on claims, submitted the following minority report on the claim of Smyser, Milton & Co.:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Smyser, Milton & Co., have had the same under consideration and the committee being unable to agree on the claim, the minority respectfully recommend to the House that the claim be rejected.

Mr. Willard demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

On concurring in the minority report Messrs. Tulley and Shutt demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Barker, Brown of Steuben, Carey, Compton, Confer, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Drake, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Gordon, Handy, Hart, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lindley, Mitchell, Osborn of Elkhart, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shauck, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Warrick, Thompson, Thornburg, Tulley, Vawter, Watson and Mr. Speaker—57.

Those who voted in the negative were: Messrs. Allen, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carter, Connaway, Cunningham, Donnell, Drover, Herod, Kelly, March, Messick, Osborn of Vermillion, Saint, Shields, Taylor of Daviess, Thayer, Wimmer and Works—24.

The minority report was concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Jose A. Vrydah for additional pay as architect of the State Normal School, have had the same under consideration and direct me to report the same back to the House, with the recommendation that the claim be rejected.

Report concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred the claims of Martin Kendall, A. J. McGuffin and others, for ditching swamp lands in Tipton county in 1867, have had the same under consideration and direct me to report them back to the House, with the recommendation that the claims be rejected.

Report concurred in.

Mr. Donnell, from the committee on claims, submitted the following report on the claim of Guthrie, Martin & Co.:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Guthrie, Martin & Co., against the State Prison South, have had the same under consideration, and there being a division of the committee, the undersigned members recommend to the House that the claim be allowed and included in the specific appropriation, for the following reasons:

The commission created by an act approved March 10, 1877, whose duty it was to ascertain and certify to the Auditor of State all just claims against the State Prison South, and which commission was composed of Judge Frank Emerson, J. B. Hannah and Robert P. Haynes, did certify this claim to be due, as appears on page 8 of the register of claims filed in the Auditor of State's office by the commission. As the commission in their report to the Gov-

ernor, also on file in the Auditor of State's office, say that they investigated each claim with the utmost caution and vigilance, and that under the law their determination was final, the State is bound to recognize their action in this case as final, the claim just, and make an appropriation to pay it.

WILLIAM P. WIMMER,  
JOHN Q. DONNELL,  
RUSSELL ALLEN.

Mr. Shutt, from the committee on claims, submitted the following minority report on the claim of Guthrie, Martin & Co.:

MR. SPEAKER:

Your committee on claims, to whom was referred the claim of Guthrie, Martin & Co. against the State Prison South, have had the same under consideration, and there being a division of the committee, the minority members recommend to the House that the claim be rejected.

Which report of the minority was concurred in.

Mr. Carter moved that the claim of B. Rosenthal & Co. be taken from the table.

Which was not agreed to.

Mr. Willard, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee on fees and salaries, to whom was referred House-bill No. 515, would report the same back to the House, with the recommendation that it do lie on the table.

Report concurred in.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has refused to concur in the House amendments to engrossed Senate bill No. 65, entitled "An act defining libel and to prevent the publication thereof," and the same is hereby returned to the House for further action thereon.



Mr. Osborn submitted the following resolution:

*Resolved*, That the House recede from its amendments to the Senate bill No. 65.

Which was adopted.

Mr. Willard, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee on House bill No. 436, recommend that it be amended by striking out section 4, and when so amended that it do pass.

Report concurred in and bill ordered engrossed.

Mr. Ginz, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 241, have had the same under consideration and direct me to report the same back, with the recommendation that the same be indefinitely postponed.

Report concurred in.

Mr. Willard, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee on fees and salaries, to whom was referred House bill No. 242, would report the same back to the House, with the recommendation that it do lie upon the table.

Report concurred in.

Mr. Rodman, from the committee on House bill No. 37, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 37, have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. Hosmer, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee have had House bill No. 366 under consideration and have instructed me to report the same back to the House, with the recommendation that the bill do lie upon the table.

Report concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred engrossed Senate bill No. 57, entitled "An act to establish work houses," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 169, entitled "An act to prevent persons who are mortgagors of goods, etc., from running off, hiding, secreting, selling or otherwise disposing of the same," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred Engrossed Senate bill No. 308, entitled "An act supplementary and amendatory of an act to provide for a uniform assessment of property," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Which report was concurred in.

Mr. Baker, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred a petition from citizens of Greene county, have had the same under consideration and direct me to report the same back to the House, with the recommendation that it do lie upon the table, for the reason that its object is impracticable at this late date in the session.

Report concurred in.

Mr. Taylor, from the committee on corporations, submitted the following report:

MR. SPEAKER:

Your committee on corporations, to whom was referred House bill No. 587, by Mr. Hess, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Taylor, from the committee on corporations, submitted the following report:

MR. SPEAKER:

Your committee on corporations, to whom was referred House bill No. 413, by Mr. Hess, entitled "An act to amend section 7 of an act approved March 3, 1877, entitled an act to amend section 7 of an act entitled an act for the incorporation and continuance of building, loan fund and savings associations, and repealing the laws on that subject, approved March 5, 1857, and March 7, 1873, and legalizing all such associations now in existence, approved March 11, 1875," have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill do lie on the table.

Which report was concurred in.

Mr. Taylor, from the committee on corporations, submitted the following report:

MR. SPEAKER:

Your committee on corporations, to whom was referred engrossed Senate bill No. 325, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that said bill do pass.

Report concurred in.



Mr. Taylor, from the special committee on federal relations, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the report of the special committee of the Senate, and the committee on federal relations of the House of Delegates, as a joint committee of the General Assembly of the State of Virginia on usurpation of power by the federal judiciary in the State of Virginia, and the resolutions adopted by both branches of said body, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that it adopt said resolution.

Report concurred in.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred engrossed Senate bill No. 23, have had the same under consideration and would report the same back to the House without any recommendation, they being unable to agree on any report, and the same is hereby returned to the House for its consideration and action thereon.

Report concurred in.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns have had House bill No. 583 under consideration and have directed me to report the same back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Allen, from the committee, on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee have had House bill No. 580 under consideration and recommend that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred engrossed Senate bill No. 196, have had the same under consideration and report the same back, with the recommendation that it be indefinitely postponed.

Mr. Gordon presented a petition from the citizens of Marion county which was placed on file.

Mr. Willard demanded the previous question.

On which demand Messrs. Gordon and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carey, Carter, Compton, Confer, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Reichelderfer, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer and Mr. Speaker—65.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Steuben, Campbell, Connaway, Connor, Donnell, Galbraith, Golden, Gordon, Harland, Hess, Hubbard, Johnston, Kelly, Lindley, Overmyer, Owen, Robeson, Robinson, Rooker, Skinner, Snoddy, Vawter, Watson and Works—25.

The previous question was seconded.

The question being, shall the main question be now put?

The question recurring on concurring in the report of the committee on Senate bill No. 196.

Messrs. Gordon and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carey, Carter, Compton, Confer, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover,

Edwins, English, Fancher, Faulkner, Fleming, Ginz, Handy, Hart, Hosmer, Hubbard, Humphreys, Kelly, Kester, Kirkpatrick, Lehman, March, Messick, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Reichelderfer, Robeson, Scholl, Schweitzer, Sleeth, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Arnold of Grant, Brown of Steuben, Campbell, Connaway, Connor, Galbraith, Garrouette, Golden, Gordon, Harland, Hess, Hopkins, Johnston, Kelly, Lindley, Mitchell, Overmyer, Owen, Robinson, Rooker, Shanks, Snoddy, Stevens, Taylor of Daviess, Thayer, Vawter and Watson—27.

The report was concurred in.

The Speaker reported that he had signed enrolled House acts Nos. 14, 15, 55, 122 and 231.

Mr. Huthsteiner, from the committee on insurance, submitted the following report:

MR. SPEAKER:

Your committee on insurance have had under consideration the concurrent resolution providing for insurance of State property, introduced by Mr. W. E. English, and recommend that the same be laid on the table.

Report concurred in.

Mr. Lindley, from the committee on drains and dykes, submitted the following report:

MR. SPEAKER:

Your committee on dykes and drains, to whom was referred House bill No. 471, have had the same under consideration and have directed me to report the bill back to the House, with the recommendation that it be amended as follows:

In line 2, section 2, strike out the word "transcript" and insert the words "certified copy;" also in line 5 of same section make the same amendment.

In section 3, line 2, strike out the words "if they be known," and insert "if their post office address be known."

Amend section 7 by adding the following: "and any judgment rendered under the provisions of this section shall be collectible without relief from valuation or appraisement laws."



Also insert the following as section 19:

Sec. 19. Any assessment or allotment made as herein provided shall be a permanent lien against the lands against which such assessment or allotment is made, and the owners of such lands shall keep the section set apart against said lands open and free from obstruction, according to the directions and specifications embraced in the original assessment of benefits and allotments made against said lands, and the owners of said lands shall be liable for all damages resulting from failure to keep open and free from obstruction said allotments to the person damaged thereby.

Also, change the numbers of the succeeding sections to make them correspond with the insertion of the above section.

The committee recommend that when so amended that the bill do pass.

Mr. Tully moved that the report do lie on the table.

Which was agreed to.

Mr. Thayer moved that House bill No. 416 be taken from the table and ordered engrossed.

Which was agreed to.

Engrossed House Bill No. 265 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Confer, Cunningham, Dailey, Dalton, Davidson, Drover, Edwins, Fancher, Galbraith, Garrouette, Harland, Hess, Hopkins, Hubbard, Kester, Messick, Mitchell, Owen, Reed, Schweitzer, Shanks, Shields, Sleeth, Taylor of Daviess, Thayer, Thompson, Tulley, Van Valzah and Vawter—30.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Connaway, Connor, Copeland, Davis, Donnell, Drake, English, Faulkner, Gordon, Handy, Hart, Herod, Hosmer, Humphreys, Johnston, Kelly, Kirkpatrick, Lindley, March, Nave, Osborn of Vermillion, Overmyer, Robeson, Robinson, Rodman, Rooker, Scholl, Shauck, Shutt, Snoddy, Stevens, Stucker, Thornburg, Vanpelt, Watson, Wimmer and Mr. Speaker—47.

The bill failed to pass.

Mr. Reed submitted a petition from the citizens of Howard, Miami and Grant counties.

On motion of Mr. Dalton, the House adjourned until 2 o'clock P. M.

---

## AFTERNOON SESSION.

MARCH 7, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The following communication was received from the State Librarian:

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

The undersigned would respectfully suggest to the House of Representatives that some arrangement for storing the legislative property in some part of the Marion county court house ought to be made with the board of county commissioners of said county before adjournment of the present session of the General Assembly.

Respectfully,

R. A. CONNOR,

State Librarian.

Communication received and referred to the committee on public buildings.

Engrossed House Bill No. 254 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Bearss, Brown of Jasper, Bryant, Campbell, Carter, Confer, Dailey, Dalton, Davis, Drover, Galbraith, Garroutte, Ginz, Handy, Hart, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Major, Miers, Mitchell, Osborn of Elkhart, Perry, Reed, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, Wimmer and Mr. Speaker—45.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Blockley, Briggs, Brown of Steuben, Carey, Compton, Connaway, Connor, Copeland, Cunningham, Davidson, Donnell, Drake, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Johnston, Kelly, Lindley, March, Messick, Nave, Osborn of Vermillion, Overmyer, Owen, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Shanks, Skinner, Sleeth, Snoddy, Taylor of Lagrange, Thornburg, VanValzah, Vawter, Watson, Willard and Works—54.

The bill failed to pass.

The Speaker reported that he had signed enrolled House act No. 578 and Senate act No. 65.

Mr. Overmyer, from the special committee on engrossed Senate bill No. 207, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred engrossed Senate bill No. 207, with instructions to amend, direct me to report the same back, recommending that all after the word "appeal," in section 4, page 10, line 8, be stricken out.

Also, all of section 7, after the word "Auditor of State," on page 14, line 8, and the following be inserted:

To deliver at claimant's expense to the House of Representatives then in session, or the one next sitting, a complete transcript of such final judgment or the finding of said commission, which judgment or finding of such commission shall not be paid until the legislature shall have appropriated the money to pay the same, and such judgment of said court shall be held to be conclusive as to the full amount of such claim so adjudged.

And when so amended that the bill do pass.

Report concurred in.

Mr. Miers moved that the amendments be considered engrossed, and Senate bill No. 207 be read the third time and put upon its passage.

Which was agreed to.

Engrossed Senate bill No. 207 was read the third time and put upon its passage.

The question being, shall the bill pass?

Mr. Dailey demanded the previous question.

Which was seconded.



The question recurring on the passage of the bill.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Dalton, Davidson, Drover, Flodder, Golden, Humphreys, Huthsteiner, Lehman, Miers, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Scholl, Thayer, Thompson, VanValzah, Vawter and Willard—29.

Those who voted in the negative were: Messrs. Alden, Arnold of Wabash, Brown of Steuben, Bryant, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davis, Donnell, Drake, Edwins, Fancher, Faulkner, Galbraith, Garrouette, Ginz, Gordon, Handy, Harland, Hart, Hess, Hopkins, Hosmer, Hubbard, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Osborn of Vermillion, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Watson, Wimmer, Works and Mr. Speaker—67.

The bill failed to pass.

Engrossed House Bill No. 629 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Dailey, Drake, Drover, English, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hosmer, Humphreys, Huthsteiner, Kester, Miers, Mitchell, Nave, Scholl, Schweitzer, Shields, Shutt, Stucker, Taylor of Warrick, Thompson, Tulley and Van Valzah—36.

Those who voted in the negative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Dalton, Davidson, Davis, Donnell, Edwins, Fancher, Faulkner, Golden, Gordon, Hart, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Saint, Shanks, Shauck, Skinner, Snoddy, Stev-

ens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—58.

The bill failed to pass.

Engrossed Senate Bill No. 140 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Flodder, Galbraith, Ginz, Golden, Gordon, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Reichelderfer, Robeson, Robinson, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warriek, Thayer, Thompson, Thornburg, Tulley, VanValzah, Vawter, Watson, Works and Mr. Speaker—76.

Those who voted in the negative were: Messrs. Alden, Blockley, Carter, Cunningham, Edwins, English, Faulkner, Handy, Hart, Johnston, Owen, Rooker, Stucker, Vanpelt and Wimmer—15.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 439 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Bearss, Compton, Dailey, Dalton, Davidson, Davis, Edwins, English, Fancher, Faulkner, Golden, Herod, Hess, Kirkpatrick, Miers, Osborn of Vermillion, Robeson, Rooker, Schweitzer, Taylor of Daviess, Thayer, Tulley, Watson and Willard—25.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Donnell, Drake, Drover, Flodder, Galbraith, Garrouette, Handy, Harland, Hart, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Lehman, Major, March, Messick, Nave, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Saint, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Thornburg, Vanpelt, VanValzah, Vawter, Wimmer, Works and Mr. Speaker—62.

The bill failed to pass.

Engrossed House Bill No. 75 was read the third time and put upon its passage.

The question being, shall the bill pass?

Mr. Caldwell moved the previous question.

Which was seconded.

The question recurring on the passage of the bill.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Brown of Jasper, Campbell, Carey, Carter, Dalton, Davidson, Davis, Edwins, Flodder, Galbraith, Harland, Hart, Humphreys, Huthsteiner, Kelly, Lindley, Major, Overmyer, Robinson, Rodman, Saint, Shauck, Shutt, Snoddy, Stevens, Thayer, Vanpelt, Vawter and Watson—32.

Those who voted in the negative were: Messrs. Alden, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Campbell, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Donnell, Drover, English, Faulkner, Garrouette, Handy, Herod, Hess, Hopkins, Johnston, Kester, Kirkpatrick, Lehman, March, Messick, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Owen, Perry, Reed, Reichelderfer, Robeson, Rooker, Scholl, Shanks, Shields, Skinner, Sleeth, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, VanValzah, Willard, Wimmer and Works—58.

The bill failed to pass.

Engrossed House Bill No. 630 was read the third time and put upon its passage.



The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Barker, Bearss, Blockley, Briggs, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Flodder, Garrouette, Handy, Harland, Hart, Herod, Hess, Hopkins, Huthsteiner, Kelly, Kester, Lindley, March, Messick, Miers, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, VanValzah, Vawter, Watson, Willard and Wimmer—63.

Those who voted in the negative were: Messrs. Alden, Confer, Davidson, Fancher, Faulkner, Galbraith, Hosmer, Humphreys, Johnston, Kirkpatrick, Osborn of Elkhart, Perry, Scholl, Shutt, Stucker, Thompson, Vanpelt and Works—17.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 262 was read the third time and put upon its passage.

Mr. March moved to recommit the bill to a select committee with instructions.

Mr. Overmyer moved that the motion do lie on the table.

Which was agreed to.

The question recurring on the passage of the bill.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Barker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carter, Compton, Confer, Dalton, Davidson, Davis, Donnell, Drover, English, Flodder, Galbraith, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Mitchell, Osborn of Vermillion, Perry, Reichelderfer, Robinson, Rodman, Schweitzer, Shanks, Shauck,

Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Vanpelt, Watson, Willard, Wimmer and Mr. Speaker—59.

Those who voted in the negative were: Messrs. Baker, Briggs, Caldwell, Carey, Connaway, Connor, Dailey, Drake, Edwins, Fancher, Garrouette, Hart, Kelly, Miers, Nave, Osborn of Elkhart, Overmyer, Reed, Robeson, Scholl, Sleeth, Snoddy, Thayer, Thompson, Tulley, VanValzah, Vawter and Works—27.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion of Mr. Faulkner the House adjourned.

(Approved)

HENRY S. CAUTHORN.

Speaker of the House of Representatives.

## SATURDAY MORNING.

MARCH 8, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The journal of yesterday was read in part, when, on motion of Mr. Faulkner, the further reading was dispensed with.

Mr. Lehman, from the committee on elections, submitted the following communication :

MR. SPEAKER :

The undersigned, contestor in the case of Drake vs. Bearss, from Miami county, would respectfully state that the evidence presented in behalf of the contestor, shows that money was used freely to secure votes for the contestee, by open purchase by the friends and relatives of the contestee; that said money was used to buy votes for the said contestee at the precinct where said contestee was during

the entire day; that no doubt can be entertained by any unprejudiced mind of the above facts after hearing the evidence, and yet the said contestee is not connected with the said purchase of said votes by direct testimony.

On account of the fact that said evidence fails to directly connect the contestee with said purchase of the said votes, the said undersigned requests the privilege of withdrawing the affidavits, depositions and complaint in the said cause filed by the contestor, and asks that said proceedings in said cause be dismissed.

Respectfully,

WM. P. DRAKE, Contestor.

The request was granted and all the affidavits and papers pertaining thereto were withdrawn and the case dismissed.

Engrossed Senate Bill No. 442 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Garrouette, Ginz, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—82.

Those who voted in the negative were: Messrs. Cunningham and Galbraith—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.



Mr. Overmyer filed his motion to reconsider the vote on the passage of House bill No. 262.

Mr. March filed his motion to reconsider the vote on the passage of House bill No. 265.

Mr. Hubbard, from the committee appointed to investigate the affairs of the Soldiers' Orphans' Home at Knightstown, and other benevolent institutions, reported back the report which had been recommitted, with instruction to amend by inserting "fifteen days" after the adjournment.

The report as amended was concurred in.

Mr. Saint offered the following resolution:

*Resolved*, That the committee appointed to investigate the affairs of the benevolent institutions of this State, with power to sit for fifteen days after adjournment of the House, if necessary, be and the same is hereby instructed to make a report of their said investigation to his excellency, James D. Williams, Governor of this State, unless there be an extra session.

Which was adopted.

Engrossed Senate Bill No. 43 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Compton, Confer, Conaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Gordon, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Miers, Messick, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Warrick, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—81.

Those who voted in the negative were: Messrs. Brown of Steuben, Handy, Harland, Nave, Skinner, Taylor of Lagrange and Willard—7.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled Senate joint resolution No. 22.

Engrossed Senate Bill No. 23 was read the third time and put upon its passage.

The question being, shall the bill pass?

Mr. Drover demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the passage of the bill.

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Briggs, Brown of Steuben, Campbell, Carey, Compton, Connaway, Connor, Copeland, Dailey, Drake, Edwins, Fleming, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Saint, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vawter, Watson and Mr. Speaker—47.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Brown of Jasper, Carter, Confer, Cunningham, Davidson, Davis, Donnell, Drover, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Johnston, Kester, Lehman, Miers, Nave, Osborn of Vermillion, Robeson, Rooker, Schweitzer, Stucker, Taylor of Daviess, Thompson, Vanpelt, Willard and Wimmer—39.

The bill failed to pass for want of a constitutional majority.

Engrossed Senate Bill No. 39 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Compton, Confer, Conna-way, Connor, Copeland, Dailey, Davidson, Donnell, Drake, Drover, English, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Lindley, Major, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—83.

Those who voted in the negative were: Messrs. Bearss, Brown of Steuben, Carter, Davis, Edwins, Gordon, Johnston, March and Overmyer—9.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled Senate acts Nos. 80, 277 and 399.

Mr. Lehman moved to reconsider the vote on the communication of Drake, contestee in the cases entitled Drake vs. Bearss.

Mr. Taylor of Daviess, moved to lay the motion on the table.

Which was agreed to.

The following communication was received from the Governor:

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

SIR: I have approved and signed House bills numbered and entitled as follows:

No. 140. An act to legalize proceedings of the city council of Terre Haute, and the board of county commissioners of Vigo county, Indiana, in annexing lands to cities, under sections 85 and 86 of the general laws for the incorporation of cities, approved March 14, 1879, and declaring an emergency. Approved February 13, 1879.



No. 141. An act to legalize the official acts of the board of trustees of the town of Boonville, Warrick county, Indiana, and all other officers of said corporation, under the "Act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof, and declaring an emergency. Approved February 25, 1879.

No. 187. An act defining the meaning of the first proviso of the second section of an act entitled "An act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1855. Approved February 28, 1879.

No. 112. An act to provide for the appointment and confirmation of the trustees of the Indiana Asylum for the Blind, the Institution for the education of the Deaf and Dumb, and the State Hospital for the Insane, and for the more efficient management and uniform government of the same. Approved March 6, 1879.

And have caused the same to be deposited in the office of the Secretary of State.

JAMES D. WILLIAMS.

Governor's Office, March 6, 1879.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed House bill No. 56, "An act defining the fourth and twelfth judicial circuits."

Also, that he has signed engrossed House bill No. 340, "An act to fix the number of Senators and representatives to the General Assembly."

And the same are herewith returned to the House of Representatives.

The following message was received from the Senate by the Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 195, "An act concerning the relief of John Y. Bishop and others."

Also, that the Senate has passed engrossed House bill No. 126.

And the same are herewith submitted to the House of Representatives.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the conference committee upon House bill No. 340, "An act concerning apportionment of the State for legislative purposes."

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the amendments of the House of Representatives to Senate engrossed bill No. 27.

Also, that the Senate has concurred in the report of the conference committee of the two houses upon Senate bill No. 277.

Also, I am directed by the President of the Senate to inform the House of Representatives that he has signed House bill No. 7.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bill No. 12, "An act concerning the incorporation of the city of Seymour."

Also, that he has signed engrossed House bill No. 24, "An act concerning the indebtedness of counties having a voting population of over twenty thousand."

Also, that he has signed engrossed House bill No. 9, "An act regulating the setting of corner stones or monuments."

And the same are herewith submitted to the House of Representatives.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has amended and passed engrossed House bill No. 637, "An act concerning the construction of the new State

House," and the same, with engrossed Senate amendments thereto, is herewith submitted to the House.

Senate amendments to engrossed House Bill No. 637 were read.

Mr. Overmyer moved to concur in the Senate amendments to House bill No. 637, and to add to said amendments the following:

Sec. 4. An emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Mr. Willard asked for a division of the question.

Which was taken.

The question being on concurring in the amendment adding an emergency clause.

It was adopted.

The question being on concurring in the amendments of the Senate as amended.

Mr. Wimmer moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of War-  
rick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—96.

On motion, the further proceedings under the call were dispensed with.

The question recurring on concurring in the Senate amendments, Messrs. Willard and Wimmer demanded the ayes and noes.

The roll was called.



Those who voted in the affirmative were: Messrs. Arnold of Grant, Baker, Connaway, Connor, Copeland, Donnell, Edwins, English, Gordon, Harland, Herod, Hess, Hopkins, Hosmer, Humphreys, Lehman, Lindley, Messick, Osborn of Elkhart, Overmyer, Owen, Reed, Robinson, Rodman, Schweitzer, Snoddy, Thayer, Thompson and Vawter—29.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Confer, Cunningham, Davidson, Davis, Drake, Drover, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, March, Miers, Mitchell, Nave, Osborn of Vermillion, Perry, Reichelderfer, Robeson, Rooker, Saint, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Tulley, Vanpelt, Watson, Willard, Wimmer, Works and Mr. Speaker—64.

The amendments were not concurred in.

Mr. Willard moved to concur in the amendments of the Senate, with the following amendment:

In section 1, line 8, strike out the word "three" and insert the word "two," so as to read "the sum of two cents upon each one hundred dollars worth of taxable property in this State."

Mr. Overmyer demanded a division of the question.

The vote was first taken upon striking out the word "three," and inserting "two."

Which was agreed to.

The question being on concurring in the amendments of the Senate as amended.

Mr. Overmyer moved to lay the motion on the table.

Which was agreed to.

Mr. Overmyer moved to amend the Senate's amendment as follows:

There shall be appropriated from the general fund in the State treasury the sum of one hundred thousand dollars to be used for the building of the new State House during the year 1880, to be paid out of any fund not otherwise appropriated.

On the adoption of the same, Messrs. Willard and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Davis, Donnell, Drake, English, Fancher, Faulkner, Flodder, Garrouette, Ginz, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, March, Messick, Osborn of Elkhart, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Works and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Allen, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Cunningham, Dailey, Davidson, Drover, Edwins, Fleming, Galbraith, Golden, Handy, Hart, Humphreys, Kester, Miers, Mitchell, Nave, Osborn of Vermillion, Perry, Reichelderfer, Saint, Shauck, Shields, Shutt, Stucker, Taylor of Warrick, Willard and Wimmer—30.

The amendment was adopted.

On concurring in the Senate amendments as amended, Messrs. Tully and Saint demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Donnell, Drake, Edwins, English, Faulkner, Flodder, Garrouette, Ginz, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lindley, March, Messick, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thompson, Thornburg, Vanpelt, Vawter, Watson, Works and Mr. Speaker—61.

Those who voted in the negative were: Messrs. Allen, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Cunningham, Dailey, Davidson, Davis, Drover, Fancher, Fleming, Galbraith, Golden,

Hart, Humphreys, Kester, Miers, Mitchell, Nave, Osborn of Vermont, Reichelderfer, Saint, Shauck, Shields, Shutt, Stucker, Taylor of Warrick, Thayer, Tulley, Willard and Wimmer—33.

The amendments were adopted.

The Speaker reported that he had signed enrolled act No. 126.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bill No. 14.

Also, that he has signed enrolled House bill No. 15.

Also, that he has signed enrolled House bill No. 55.

Also, that he has signed enrolled House bill No. 122.

Also, that he has signed enrolled House bill No. 231.

And said bills are herewith submitted to the House of Representatives.

On motion of Mr. Thompson the House adjourned until 2 o'clock P. M.

---

## AFTERNOON SESSION.

MARCH 8, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 534, return the same to the House, with the recommendation that it do lie on the table.

Report concurred in.



Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 381, beg leave to report that they have had the same under consideration and recommend that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred engrossed Senate bill No. 125, direct me to report that it be amended by striking out all of section first, after the word "Indiana," in the third line, and further amend by striking out the figure 2, in line 1 of section 2, and by inserting in lieu thereof the figure 1, and by inserting the word "that" before the word "every," in line 1 of section 2, and that when so amended the bill do pass.

Report concurred in and the amendment ordered engrossed.

Engrossed Senate Bill No. 365 was read the third time, and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Barker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Skinner, Stevens, Taylor of Lagrange, Taylor of Warlick, Thayer, Vanpelt, Vawter, Watson, Wimmer and Works—70.

Those who voted in the negative were: Messrs. Arnold of Wabash, Baker, Copeland, Cunningham, Dailey, English, Gordon, Hosmer, Shauck, Shields, Shutt, Thornburg, Tulley, VanValzah, Willard and Mr. Speaker—16.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate bill No. 158 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Works and Mr. Speaker—83.

Those who voted in the negative were: Messrs. Allen, Compton, Cunningham, Faulkner, Handy, Humphreys, Nave, Shauck, Stucker, Tulley, Willard and Wimmer—12.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Taylor of Daviess, entered his motion to reconsider the vote on which engrossed Senate bill No. 207 failed to pass.

Engrossed Senate Bill No. 270 was read the third time and put upon its passage.

The question being shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Hess, Hopkins, Hosmer, Huthsteiner, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Wimmer and Mr. Speaker—83.

Those who voted in the negative were: Messrs. Cunningham and Willard—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act? .

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 23 was called up and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Barker, Briggs, Brown of Steuben, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drake, Edwins, Garrouette, Golden, Gordon, Harland, Hart, Herod, Hess, Hopkins, Huthsteiner, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Mitchell, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thornburg, Tulley, Vawter, Watson and Works—56.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Brown of Jasper, Carter, Cunningham, Drover, Fancher, Faulkner, Flodder, Galbraith, Ginz, Handy, Hosmer, Johnston, Lehman, Miers, Nave,



Osborn of Vermillion, Robeson, Scholl, Schweitzer, Vanpelt, Willard, Wimmer and Mr. Speaker—29.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Messrs. Gordon and March submitted the following protest:

MR. SPEAKER:

The undersigned desire to enter their protest against the passage of Senate bill No. 39, which confers the power upon all existing railroad companies to indefinitely extend the lines of their roads, by resolution, or resolutions of a majority in value of their existing stock, voted by the holders thereof. They do protest against it for the following reasons, among others, to-wit:

First. It is unjust to the holders of the minority in value of the stock, and places them at the mercy of the majority thereof, violating the terms of the contract upon which their stock was originally acquired, and subjecting them to new and additional burdens never contemplated by their original contract. It thus impairs the obligation of their contract as stockholders, and is, in the opinion of your protestants, so far in plain violation of the constitution.

Second. Its worst feature, however, is the practical surrender to existing railroad companies, of the right of the people to organize new railroad companies within the State. Already existing companies have authority, under our laws, to extend lateral branches from their main lines to a distance of thirty miles at pleasure. With this power, and that now conferred, to extend their main lines in any direction to any distance, the whole business of making railroads is placed in the easy control of existing companies; for it is not saying more than simple truth to say, that companies already organized and in full operation will be able readily to anticipate the organization of a new company, which must procure original stock subscriptions, and, after the same has been obtained, go through all the stages of incorporation before it can enter upon the construction of its road. In the case of existing companies, a simple resolution enables them to proceed at once, take possession of the line of enterprise and construct the road. If our existing railroads were owned by our own people there would be less objection to the bill; but it

is well known that they are generally the property of non-residents, and so the wand of authority over the whole subject is given up to strangers. We therefore respectfully protest against the passage of the bill through the House.

J. W. GORDON.

WALTER MARCH.

Engrossed Senate Bill No. 136 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of La-grange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, Van Valzah, Vawter, Watson, Willard, Works and Mr. Speaker—87.

Those who voted in the negative were: Messrs. Blockley, Brown of Jasper, Cunningham, Saint, Scholl, Stucker and Wimmer—7.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled Senate act No. 39.

Mr. Osborn moved that the order of business be suspended and that engrossed Senate bill No. 9, be taken up and put upon its passage.

Which was agreed to.

Engrossed Senate Bill No. 9 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Bearss, Briggs, Brown of Steuben, Caldwell, Campbell, Carey, Confer, Connor, Copeland, Dailey, Dalton, Davidson, Donnell, Drover, English, Galbraith, Garrouette, Golden, Hess, Hopkins, Hubbard, Huthsteiner, Kester, Lehman, Lindley, Messick, Nave, Osborn of Elkhart, Overmyer, Owen, Reed, Reichelderfer, Robeson, Rodman, Rooker, Scholl, Shanks, Shauck, Shutt, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Vanpelt, VanValzah, Vawter, Watson, Wimmer and Works—54.

Those who voted in the negative were: Messrs. Baker, Blockley, Brown of Jasper, Bryant, Carter, Compton, Connaway, Cunningham, Davis, Edwins, Faulkner, Flodder, Ginz, Gordon, Handy, Harland, Hart, Hosmer, Humphreys, Johnston, Kelly, March, Miers, Mitchell, Osborn of Vermillion, Robinson, Saint, Schweitzer, Shields, Stucker, Thompson, Tulley, Willard and Mr. Speaker—34.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 420 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Connaway, Connor, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Nave, Osborn of Vermillion, Owen,



Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Stevens, Taylor of Lagrange, Taylor of Warrick, Tulley, Vanpelt, VanValzah, Vawter, Watson and Mr. Speaker—71.

Those who voted in the negative were: Messrs. Brown of Steuben, Bryant, Confer, Copeland, Ginz, Hosmer, Huthsteiner, Stucker and Wimmer—9.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 17 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Confer, Connaway, Connor, Copeland, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Flodder, Galbraith, Garrouette, Golden, Gordon, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, March, Messick, Mitchell, Nave, Osborn of Vermillion, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—75.

Those who voted in the negative were: Messrs. Dailey, Fancher, Lindley, Tulley and Vanpelt—5.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 187 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Briggs, Brown of Jasper, Caldwell, Carey, Compton, Confer, Cunningham, Dalton, Davidson, Davis, Donnell, Drover, Edwins, Fancher, Faulkner, Flodder, Garrouette, Gordon, Handy, Harland, Hart, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Nave, Overmyer, Perry, Reicheldefer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Van Valzah, Vawter, Watson, Willard, Wimmer and Works—65.

Those who voted in the negative were: Messrs. Arnold of Wabash, Bearss, Blockley, Brown of Steuben, Bryant, Campbell, Galbraith, Osborn of Vermillion, Stucker, Thornburg, Tulley, Vanpelt and Mr. Speaker—13.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate bill No. 347 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, March, Messick, Miers, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Willard, Wimmer, Works and Mr. Speaker—78.

Those who voted in the negative were: Messrs. Brown of Steuben, Ginz and Osborn of Vermillion—3.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 22 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, March, Messick, Miers, Nave, Osborn of Vermillion, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Vanpelt, Van Valzah, Vawter, Wimmer, Works and Mr. Speaker—78.

Mr. Tulley voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following communication was received from the Attorney General:

OFFICE OF THE ATTORNEY GENERAL,  
INDIANAPOLIS, MARCH 7, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

SIR: I have the honor to acknowledge the receipt of the resolution of the House of Representatives, of even date herewith, calling on me for my opinion in answer to the following questions:



1. What fees are chargeable under the laws of this State against foreign insurance companies doing business here, to be collected by the Auditor of State?

2. What part of these fees belong to the State, and what part to the Auditor of State?

In answer, I respectfully submit the following opinion?

The legislation of this State on the subject of fees to be charged against foreign insurance companies doing business in this State is comprehended in two sections of the acts of the Legislature. Section 3 of the act on the subject of foreign insurance companies, approved December 21, 1865, as amended by the act approved March 12, 1875 (acts of 1875, page 51), provides as follows:

“Sec. 3. The Auditor of State shall charge and collect for the State of Indiana the sum of five dollars in each and every case for the examination of the statement and investigation of the evidence of investment, and two dollars for each certificate of authority issued under the provisions of this act, to be paid by the agent or agents applying for the same, and the Auditor of State shall, on the first Tuesday in April, June, September and December of each year, make to the Treasurer of State a sworn statement of the number of statements filed in his office, and of the number of certificates issued under the provisions of this act, and of the entire receipts therefor since his last report, and shall pay over to the treasurer, to go into the general fund of the State, the entire amount of such receipts, less twenty-five per cent. thereon, which he may retain for his services in collecting the same.”

The act approved March 3, 1877, (acts of 1877, page 65), amending the first section of the act of 1865, contains the following supplemental section:

“Sec. 3. When, by the laws of any other state, any taxes, fines, penalties, licenses, fees, deposits of money or securities, or other obligations or prohibitions are imposed upon insurance companies of this or other states, or their agents, greater than are required by the laws of this State, then the same obligations and prohibitions, of whatever kind, shall, in like manner for like purposes, be imposed upon all insurance companies of such states, and their agents,” etc.

My first impression was strongly against the constitutionality of this last section, but my search for reasons to sustain my impression did not tend to strengthen my convictions in that direction. My predecessor had given an elaborate opinion sustaining the law, and after reflection I am not prepared to dissent from his conclusions.

It is substantially a copy from the New York law, but I am not aware of any adjudication of its validity.

Assuming, then, this section to be constitutional, what are the fees chargeable against the foreign insurance companies doing business in this State?

Section 1, as amended and quoted above, fixes the fees very plainly, for an examination of the statement and investigation of the evidence of investment at the sum of \$5, and for each certificate of authority, \$2. These are the minimum fees to be paid by any company coming into this State to do business.

Supplemental section 3, *supra*, requires, when these fees are less than are required from foreign companies doing business in another State, and whose companies apply here for authority to do business under our laws, that such additional fees or other obligations shall be imposed as may be required of foreign companies by the laws of the State where such applying companies are located. I suppose that under this provision, it is the duty of the Auditor of State to ascertain, when a foreign company applies to him for authority, what fees are charged for similar purposes by the laws of the State where such company may be incorporated, and, if they be greater than fixed by our law, to charge accordingly.

It will be seen, therefore, that the amount of fees to be charged, under section 3, depends upon the laws of the State from whence companies may come who desire to do business here. For the sake of illustration I will take the case of New York, whose companies are probably more numerous in Indiana than those of any other State. The fees chargeable in that State are as follows:

For filing declaration of the company or certified copy of charter.....	\$30 00
Filing annual statement.....	20 00
For each certificate of authority to agent of a fire insurance company such sum as may be fixed by the superintendent of insurance, not exceeding.....	5 00
For each certificate of authority to agent of life insurance company.....	5 00
For every copy of paper in the office, per folio.....	10
For affixing seal of office to such paper.....	1 00

It would seem, under this fee bill, that Indiana might charge, under her retaliatory law, twenty dollars a year for the semi-annual statements, instead of ten dollars; five dollars a year for certificates

of authority, instead of four, and in addition one dollar for each certificate and seal, and ten cents per folio for all copies of papers.

I next come to your second enquiry, viz: To whom do these fees belong when collected?

This question is not without difficulty, but I have reached a conclusion that I think is correct.

Section 3 of the act approved March 3, 1877, is a supplemental section to the original act, and must be construed with and as a part of the act of 1865. It is well settled that, in construing a doubtful statute, and for the purpose of arriving at the legislative intent, all acts on the same subject-matter are to be taken together and examined, in order to arrive at the true result. An amendatory act, and the act amended, are to be construed as one statute, and no portion of either is to be held inoperative, if it can be sustained without wresting words from their appropriate meaning. All acts in *pari materia* are to be taken together as if they were one law. Where there are different statutes in *pari materia*, though made at different times, or even expired, and not referring to each other, they must be taken and construed together as one system, and as explanatory of each other. (See Sedgwick on the Construction of Statutory and Constitutional Law, pp. 209, 210.)

Thus construed the law of Indiana, on the subject under consideration, would read thus:

“The Auditor of State shall charge and collect, for the State of Indiana, the sum of five dollars in each and every case for the examination of the statement and investigation of the evidence of investment, and two dollars for each certificate of authority issued under the provisions of this act, to be paid by the agent or agents applying for the same, and when, by the laws of any other State, any taxes, fines, penalties, licenses, fees, deposits of money or securities, or other obligations or prohibitions are imposed upon insurance companies of this or other States, or their agents, greater than are required by the laws of this State, then the same obligations and prohibitions, of whatever kind, shall, in like manner, for like purposes, be imposed upon all insurance companies of such States, and their agents, and the Auditor of State shall, on the first Tuesday of April, June, September and December of each year, make to the Treasurer of State a sworn statement of the number of statements filed in his office, and of the number of certificates issued under the provisions of this act, and of the entire receipts therefor, as well as the entire receipts under the retaliatory provisions of this act, since



his last report, and shall pay over to the treasurer, to go into the general fund of the State, the entire amount of such receipts, less twenty-five per cent. thereon, which he may retain for his services in collecting the same."

When thus read together it would seem plain that the intention of the legislature was that whatever fees were collected should belong to the State, subject to the deduction of twenty-five per cent. for the compensation of the Auditor of State for collecting them. Some stress has been laid upon the words "for like purposes," but I think these words refer rather to the object or reason for imposing the burden than to the application of the moneys that may be collected by virtue of the provisions of the act. I do not think, therefore, that because another State might apply the moneys to the payment of fees, that therefore they must be applied to the same purpose in this State. It was rather saying, if New York requires a fee of ten dollars for the "purpose" of procuring a certificate of authority, we will charge the same fee "for a like purpose." But if the construction claimed be correct, still under none of the laws that I have examined do these insurance fees go to the officer, but are required to go into the state treasury or to be applied to some other specific purpose, the officer having charge of the insurance department having a fixed salary. In New York the Superintendent of Insurance receives an annual salary of seven thousand dollars, and "all fees and perquisites of every name and nature charged, received and collected by the insurance department, or any officer thereof, shall be immediately paid into the treasury."

I am therefore of the opinion, that all moneys collected by the Auditor of State on account of foreign insurance companies belong to the State of Indiana, and should be paid into the treasury, less twenty-five per centum for the compensation of the Auditor.

I have the honor to be, very respectfully,

T. W. WOOLLEN,  
Attorney General.

Engrossed House Bill No. 621 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Compton, Con-

fer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Donnell, Drover, Edwins, Faulkner, Fleming, Galbraith, Garrontte, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kester, Kirkpatrick, Lehman, March, Messick, Miers, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Wimmer and Works—76.

Mr. Carter voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act.

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Owen entered a motion to reconsider the vote taken by the House refusing to allow the claim of Alfred Moody.

Mr. Edwins, of Madison, was called to the chair.

On motion of Mr. Faulkner the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## MONDAY MORNING.

MARCH 10, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by the Hon. Mr. Snoddy, member from Hendricks.

The Journal of Saturday was read and approved.

House Bill No. 646. Introduced by Mr. Gordon, was read the second time and referred to the committee on the judiciary.

House Bill No. 645. Introduced by Mr. English, was read the second time and referred to the committee on rights and privileges.

Mr. English, from the committee on public library, submitted the following report:

MR. SPEAKER:

Your committee on public library would respectfully report that we have visited and examined the same, and that, so far as the limited time at our disposal enabled us to discover, everything was in good condition.

Which was read and placed on file.

Mr. Miers offered the following resolution:

*Resolved*, That W. H. Drapier be authorized to continue the brevier legislative reports at the same price and the same number of copies furnished by him to every General Assembly since 1857—for seventeen years.

Mr. Shanks moved to refer the resolution to a select committee of three with instructions to report the probable cost, size of volume, etc.

On which motion Messrs. Wimmer and Shutt demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Barker, Bearss, Brown of Jasper, Caldwell, Campbell, Connor, Cunningham, Drake, English, Fancher, Faulkner, Flodder, Garrouette, Ginz, Golden, Herod, Hess, Johnston, Kirkpatrick, Lindley, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Reed, Reichelderfer, Robinson, Saint, Shanks, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Vawter, Willard, Works and Mr. Speaker—41.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Briggs, Brown of Steuben, Bryant, Carter, Confer, Copeland, Dailey, Davis, Donnell, Drover, Gordon, Hart, Hopkins, Hosmer, Humphreys, Huthsteiner, Kester, March, Messick, Perry, Robeson, Rodman, Schweitzer, Shauck, Shutt, Stevens, Stucker, Taylor of Warrick, Thornburg, Watson and Wimmer—36.

The motion was adopted, and the Speaker appointed Messrs. Shanks, Thompson and Works as such committee.



Mr. Caldwell offered the following resolution:

*Resolved by the House of Representatives (the Senate concurring therein),* That in order to carry out in good faith the provisions of the resolution adopted by the House concerning the pay of employes, that the pages herein mentioned, to-wit: Thomas Morgan, Charles Reed, Joseph Somes, Harry Johnson, Charles Smith and L. L. Confer, pages of the House, received fifty cents per day additional to the two dollars per day, heretofore allowed, being the amount paid pages at the last session of the General Assembly, as will be seen by referring to House Journal, page 1012, section 19.

On the adoption of the resolution Messrs. Wimmer and Stucker demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Bearss, Caldwell, Carter, Cunningham, Flodder, Gordon, Herod, Hosmer, Kester, Kirkpatrick, Robinson, Shanks, Sleeth, VanValzah and Willard—15.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Confer, Copeland, Dailey, Davidson, Donnell, Drake, Drover, English, Fancher, Faulkner, Fleming, Garrouette, Golden, Handy, Hart, Hess, Hopkins, Humphreys, Huthsteiner, Johnston, Kelly, Lindley, Major, March, Messick, Miërs, Mitchell, Nave, Osborn of Elkhart, Perry, Reed, Reichelderfer, Robeson, Rodman, Rooker, Saint, Schweitzer, Shauck, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warriek, Thayer, Thompson, Thornburg, Vawter, Watson, Wimmer, Works and Mr. Speaker—64.

The resolution was adopted.

The Speaker reported that he had signed enrolled Senate acts Nos. 27, 140, 136, 442, 270, 365, 347, 43 and 23.

Messrs. Herod and Dailey offered the following resolution:

WHEREAS, The Hon. O. E. Fleming, one of the representatives for the county of Allen, owing to extreme ill-health, was unavoidably absent from the House of Representatives during a portion of the present session; and

WHEREAS, It has been the custom of the General Assembly heretofore to allow full compensation to members who have been unavoidably absent from the sessions thereof; and

WHEREAS, The Hon. Henry S. Cauthorn, Speaker of the Fifty-first General Assembly, declines to take the responsibility of signing a warrant on the Treasurer of State for the use of said Fleming for any greater sum than six dollars per day for the time said Fleming has been in actual attendance; therefore, be it

*Resolved*, That the Speaker be and he is hereby authorized to sign a warrant in said Fleming's behalf on the Treasurer of State for said Fleming's per diem during the entire session of the Fifty-first General Assembly of the State of Indiana.

Mr. Schauck moved that the resolution do lie on the table.

On the motion to lie on the table Messrs. Shauck and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Carter, Compton, Confer, Connaway, Copeland, Davidson, Davis, Faulkner, Flodder, Garrouette, Hart, Hubbard, Huthsteiner, Kester, Kirkpatrick, Lindley, Messick, Mitchell, Perry, Robeson, Shauck, Shutt, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Van Valzah, Watson, Wimmer and Mr. Speaker—35.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Campbell, Connor, Cunningham, Dailey, Dalton, Donnell, Drake, English, Fancher, Golden, Gordon, Handy, Herod, Hosmer, Humphreys, Kelly, Major, March, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Reed, Reichelderfer, Robinson, Rodman, Rooker, Saint, Shanks, Sleeth, Snoddy, Taylor of Daviess, Thayer, Thompson, Thornburg, Vawter, Willard and Works—45.

The motion was lost.

Mr. Humphreys moved to refer the resolution to the committee on the judiciary for investigation.

Which was agreed to.

House Bill No. 647. Introduced by Mr. Osborn of Elkhart, entitled "A bill for an act to protect the purity of the elections and prevent illegal voting."

Read the first time.

Mr. Golden submitted the following resolution:

*Resolved*, That the thanks of the House be and they are hereby tendered to Hon. Henry S. Cauthorn for the impartial and able manner in which he has presided as Speaker of the House during the regular session.

Which was unanimously adopted by a rising vote.

Mr. Johnston offered the following resolution:

*Resolved*, That the Principal and Assistant Clerks and Doorkeeper of this House are entitled to the thanks of the House for the faithful manner in which they have discharged their duties as the officers of this House.

Which was adopted.

Mr. Carter offered the following resolution:

*Resolved by the House of Representatives*, That the testimony taken in the Southern Prison investigation, which is on file here in the House, be received and ordered to be placed on the House Journal as a record.

Which was adopted by a rising vote.

The following is the testimony taken in investigating the State Prison South:

[NOTE.—The copy of the testimony as ordered by foregoing resolutions was not furnished for printing to the office of the Secretary of State, nor could it be found on record.]

*Resolved by the House of Representatives (the Senate concurring therein)*, That there be appointed a committee of three from each House of the General Assembly to visit the Governor and learn whether or not he has any further communication to make to this Assembly and report to this House at once.

Which was adopted.

The Speaker appointed the following committee: Messrs. Davidson, Connor and Briggs.

Mr. Lehman offered the following resolution:

*Resolved by the House of Representatives (the Senate concurring)*, That the sum of one hundred and eighty-five dollars is hereby authorized to be paid to Henry Schnull, proprietor of the Occidental Hotel, for the use of the committee rooms for the House committees, and the Speaker of the House is herewith authorized to issue his warrant for the same, such amount to be drawn from the Legislature appropriation fund.

Which was adopted.



Mr. Gordon filed his protest on the passage of House bill No. 486.

Mr. Humphreys moved that the protest of the Hon. J. W. Gordon, before being entered on the Journal, be referred to a special committee of three to ascertain if the same is in compliance with the requirements of the constitution.

On the adoption of Mr. Humphreys' motion, Messrs. Gordon and English demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Saint, Schweitzer, Shauck, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, VanValzah, Willard, Wimmer, Works and Mr. Speaker—53.

Those who voted in the negative were: Messrs. Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter and Watson—35.

The motion prevailed.

The Speaker appointed Messrs. Humphreys, Hubbard and Johnston as such committee.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has amended and passed House concurrent resolution No. 24, "A resolution concerning the pay of members of the committee to investigate the benevolent institutions," and the same, with the said amendments, is herewith submitted to the House of Representatives.

Senate amendments to House concurrent resolution No. 24:

Amend House concurrent resolution No. 24 by striking out the words "committee appointed," in line 6, and insert in lieu thereof the words "committee appointed by the House and Senate," and by inserting after the word "law," in line 9, the words "and the pay for the short-hand reporter authorized to be employed by Senate concurrent resolution No. 20;" and amend further by striking out line 10 and inserting in lieu thereof the words, "chairman of such House and Senate committees."

On the adoption of the concurrent resolution as amended by the Senate, Messrs. Faulkner and Stucker demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Fleming, Flodder, Ginz, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Johnston, Kester, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shutt, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—74.

Those who voted in the negative were: Messrs. Faulkner, Galbraith, Kirkpatrick and Stucker—4.

The resolution as amended was adopted.

The Speaker reported that he had signed enrolled House act No. 195.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has amended and passed House concurrent resolution No. 23, concerning the pay of the Reading Clerks of the two houses, and the same is herewith submitted to the House.

The amendments were read to House concurrent resolution No. 23.

Which were adopted.

House Bill No. 648. Introduced by Mr. Willard, entitled "An act to provide for the taxation of the rolling stock of fast freight companies."

Read the first time.

On motion of Mr. Faulkner, the House adjourned.

## AFTERNOON SESSION.

MARCH 10, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Engrossed Senate Bill No. 21 was read the second time and referred to the committee on the organization of courts.

Engrossed Senate Bill No. 374 was read the second time and referred to the committee on cities and towns.

Engrossed Senate Bill No. 392 was read the second time and referred to the committee on the organization of courts.

Engrossed Senate Bill No. 313 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 55 was read the second time and referred to the committee on cities and towns.

On motion of Mr. Reed the House took a recess till 3 o'clock.

The Speaker reported that he had signed enrolled concurrent House resolution No. 23.

The following communication was received from the Governor:

*To Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

SIR: I have approved and signed House bills numbered and entitled as follows:



No. 9. An act regulating the setting of corner stones or monuments in public highways. Approved March 7, 1879.

No. 12. An act to legalize the incorporation of the city of Seymour, Jackson county, Indiana, and all official acts done by the common council and officers of said city, and legalizing the passage of all the ordinances of said city of Seymour, numbered 143 to 482, inclusive, and providing how proof of the passage of said ordinances or of the incorporation of said city shall be made in courts of justice, and declaring an emergency. Approved March 9, 1879.

No. 24. An act regulating the indebtedness of counties having a voting population of over twenty thousand as shown by the votes cast for Governor at the last preceding election; authorizing the funding of indebtedness of such counties in bonds in certain cases; prohibiting the creation of county debt except as therein authorized, and prescribing the kind and amount that may be created, limiting the amount of said trustees and other officers of said town in relation thereto under an act for the incorporation of towns, defining their powers, providing for the election of the officers and declaring their duties, approved June 11, 1853, and declaring an emergency. Approved March 8, 1879.

No. 7. An act regulating the working of coal mines and declaring a lien upon the works and machinery for work and labor in mining coal, and for the royalty on coal, and providing penalty for the violation thereof, and providing for the appointment and qualification of mine inspector and prescribing his duties, and declaring an emergency. Approved March 8, 1879.

No. 56. An act defining the twelfth and tenth judicial circuits of the State of Indiana and fixing the times for the holding of courts therein. Approved March 8, 1879.

No. 135. An act to legalize the acts of the board of trustees of the incorporated town of Shelburn, Sullivan county, Indiana, in the levy and assessment of taxes for corporate purposes in all cases since the incorporation of said town, where any irregularity may exist and acts of said trustees and other officers of said town in relation thereto, under an act for the incorporation of towns, defining their powers, providing for the election of the officers and declaring their duties, approved June 11, 1853, and declaring an emergency. Approved March 8, 1879.

No. 340. An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to appor-

tion the same among the several counties of the State. Approved March 8, 1879.

And have caused the same to be deposited in the office of the Secretary of State. I have reported my action upon all bills received from the House.

JAMES D. WILLIAMS.

Governor's Office, March 10, 1879.

Mr. Willard submitted the following concurrent resolution :

*Resolved by the House of Representatives (the Senate concurring therein),* That the following amounts for per diem and mileage to witnesses and other expenses in the State House investigation be allowed, and the amounts be drawn from the Legislative appropriation fund, and the Speaker of the House is herewith authorized to draw his warrants for the several amounts upon said funds.

#### SCHEDULE OF CLAIMS.

R. P. Harris, 15 days at \$1.25 per day.....	\$18 75	
150 miles at 10 cents per mile.....	15 00	
	<hr/>	\$33 75
Cornelius Price, Chicago, 3 days at \$1.25 per day...	\$3 75	
200 miles at 10 cents per mile.....	20 00	
	<hr/>	23 75
W. C. Hinsdall, Chicago, 4 days at \$1.25 per day...	\$5 00	
200 miles at 10 cents per mile.....	20 00	
	<hr/>	25 00
J. W. Vodges, 3 days at \$1.25 per day.....	\$3 75	
117 miles at 10 cents per mile.....	11 70	
	<hr/>	15 45
C. M. Allen, Vincennes, 3 days at \$1.25 per day....	\$3 75	
132 miles at 10 cents per mile.....	13 20	
	<hr/>	16 95
O. F. Baker, Vincennes, 3 days at \$1.25 per day....	\$3 75	
117 miles at 10 cents per mile.....	11 70	
	<hr/>	15 45
Chas. Eppinghausen, Terre Haute, 4 days at \$1.25		
per day.....	\$5 00	
75 miles at 10 cents per mile.....	7 50	
	<hr/>	12 50

Chas. Dennis, 5 days at \$1.25 per day.....	\$6 25
W. H. Brown, 5 days at \$1.25 per day.....	6 25
E. J. Hodgson, 8 days at \$1.25 per day.....	10 00
O. H. Cook, 8 days at \$1.25 per day.....	10 00
Isaac Hodgson, 8 days at \$1.25 per day.....	10 00
Henry Walters, New Albany, 4 days at \$1.25 per day	\$5 00
220 miles at 10 cents per mile.....	22 00
	<hr/> 27 00
P. H. McCormack, Columbus, 3 days at \$1.25 per day	\$3 75
85 miles 10 cents per mile.....	8 50
	<hr/> 12 25
George W. Ramage, 8 days at \$1.25 per day.....	10 00
Morris Defrees, 2 days at \$1.25 per day .....	2 50
Thomas H. Johnston, 3 days at \$1.25 per day.....	3 75
W. C. Tarkington, 2 days at \$1.25 per day.....	2 50
H. A. Garvey, 3 days at \$1.25 per day.....	3 75
D. B. Wilson, Doorkeeper.....	95 20
Paul Hendricks, reporter committee, 282,200 words	
at 7 cents per 100 words.....	159 74
Stationery.....	10 00
James H. Willard, chairman.....	169 00
Committee postage and telegrams.....	7 85
	<hr/>
Total amount.....	\$515 64

Which was adopted.

Mr. Compton offered the following concurrent resolution :

*Resolved by the House of Representatives (the Senate concurring therein),* That Cyrus B. Tulley, S. W. Edwins, S. H. Thornburg, Jacob W. Messick and C. E. Scholl be allowed ten dollars each for the payment of their expenses to the Northern Prison, and that S. W. Edwins, Samuel Taylor, C. B. Tulley, James H. Willard, J. H. Thornburg, Jacob Messick, William B. Carter and Frank Caldwell be allowed each ten dollars to pay their expenses to the Southern Prison, and A. C. Copeland the sum of five dollars to pay his expenses to both prisons.

Which resolution was adopted.

Mr. Bearss presented the following protest :

MR. SPEAKER :

The undersigned, contestee in the contested election case of Drake vs. Bearss, from the county of Miami, respectfully asks that his protest be entered upon the Journal of this House against the language



used and the imputations made against him in the written dismissal of the said case by said contestor, which has been entered in and spread at large upon the Journal of this House. He wishes furthermore to deny unequivocally that there exists in all the testimony produced in said case, either by depositions or otherwise, one scintilla of evidence to prove that he, or any of his relatives or friends, made use of money in purchasing votes at the said election, or made use of any illegal means whatsoever to procure or influence votes in his favor at the said election. He further denies that the said testimony shows that any vote or voters were purchased or illegally procured at said election in his favor, and he further denies that the said testimony shows that any fraudulent or illegal vote or votes were cast in his favor at the said election. He furthermore most respectfully asks that this his protest and denial shall be spread at large on the Journal of this House.

ALBERT C. BEARSS, Contestee.

Mr. Davidson, from the joint committee to wait on the Governor, made the following report:

MR. SPEAKER:

We, the undersigned, members of the joint committee to wait upon the Governor to ascertain whether or not he had anything further to communicate to this General Assembly, beg leave to report that, in connection with the members of said committee from the Senate, we have waited upon his Excellency the Governor, and that he informs us he has nothing further to communicate to the House, except the accompanying communication herewith submitted.

BY HIS EXCELLENCY,

THE GOVERNOR OF INDIANA:

A proclamation convening the Fifty-first General Assembly in special session. Given at Indianapolis, March 10, 1879.

The Fifty-first General Assembly has consumed the time allotted to its regular session, and is about to adjourn. Provision has not been made for the expenses of the State government during the ensuing two years; other important business has not been completed. The public welfare, in my opinion, requires a brief special session.

Therefore I, James D. Williams, Governor of the State of Indiana, hereby call upon the General Assembly of the State of Indiana to

convene in special session on Tuesday, March 11, A. D. 1879, at 9 o'clock in the forenoon.

Witness the seal of the State and my signature,

[L. S.]

JAMES D. WILLIAMS.

By the Governor:

J. G. SHANKLIN, Secretary of State.

Mr. Reed submitted the following concurrent resolution:

*Resolved by the House of Representatives (the Senate concurring therein),* That Webster Dixon, Principal Clerk of the House, be and he is hereby allowed the sum of three hundred dollars (\$300), for and on account of House Calendar and the abstract of bills to accompany and be incorporated into the Journal of the House.

Mr. Herod submitted the following amendment to the resolution of Mr. Reed:

Amend by inserting the following: "And the same amount to the Assistant Clerk for preparing, indexing and proof reading the House Journal."

Mr. Johnston moved to amend by striking out \$300 and inserting \$200.

Which amendment was adopted.

And the resolution as amended was adopted.

The select committee, to whom was referred the protest of Mr. Gordon, submitted the following report:

MR. SPEAKER:

Your select committee, to whom was referred the protest of the Hon. J. W. Gordon, Representative of Marion county, protesting against the passage of the House bill No. 486, have had the same under consideration and direct me to report the same back to the House, with the recommendation that the accompanying maps be stricken out, and that when so struck out the protest be entered on the Journal.

A. HUMPHREYS.

A. JOHNSTON,

C. S. HUBBARD.

The following is the protest of Mr. Gordon:

MR. SPEAKER:

I respectfully protest against the passage by this House of House bill No. 486, because it violates every principle involved in an apportionment. It is in plain contravention of the constitution, which

provides that all elections shall be equal, for it destroys the equality of citizens by giving the right in some districts to thirty-one thousand voters to elect a member of Congress, while it requires for such an election in another thirty-seven thousand electors. Why is it that this inequality is attempted to be established by law? If any other than a mere partisan purpose was designed to be subserved by such a discrimination I am at a loss to determine what that purpose may be. It rejects and tramples under foot the principle of minority representation, everywhere growing more and more into favor where representative government is established, and the great and civilizing principle of justice recognized as its only foundation; and, in order to accomplish that rejection, runs the lines of the proposed districts into which it divides the State so as to embrace within them territory not contiguous, and people not hitherto united for social, commercial or political purposes, and making a map of marvellously crooked lines and shapeless contours. In view of the foregoing grounds of objections which address themselves alike to the eye and the reason of all impartial men, I protest against the passage of the above bill.

Respectfully submitted,

J. W. GORDON.

MR. SPEAKER:

The undersigned respectfully protests against the action of the House in referring his protest to the passage of House bill No. 486 to a special committee. He further protests against the action of the House in receiving the report of said committee, recommending the striking out of a portion of his said protest; and which said portion thereof, is not so set forth in said report as to exhibit upon the Journals of the House the portion of said protest recommended to be stricken out by said committee. He protests against the action of the House in concurring in said report, and striking out part of his protest without any pretense that the same was not respectful towards the House and its action. He denies that when a paper is once in possession of the House, and is not indecent, or disrespectful to the House, there is any rightful power in the House to so dispose of any part thereof that the same shall not appear upon the Journals, either as part of the original paper, or as part of the report recommending the striking of it out. He therefore protests against the action of the House striking from the Journals the maps of the



several districts as defined by the bill to the passage of which his protest was filed.

Respectfully submitted.

J. W. GORDON.

Mr. Saint, from the committee on reformatory institutes, submitted the following report:

MR. SPEAKER:

The committee on reformatories beg leave to report, that they have visited the House of Refuge at Plainfield, in accordance with custom, and submit the following:

We inspected said institution as carefully and thoroughly as our time would admit, and are highly gratified to be able to report that every department therein gave evidence of careful, thorough and practical management.

The buildings were all in good condition, with the hospital completed and a new chapel, 40 by 75 feet, erected and finished throughout. The style and size of these last mentioned buildings being in harmony with the *general plan* proposed and heretofore followed in constructing the group that is to complete the "Home." The character of the work and quality of material is more than would be expected with the amount of money expended in their construction, as shown by the annual report of the commissioners, viz: \$6,701.20.

We found three hundred and eighty-three boys in the institution, who were divided, or graded rather, into classes called *families*, as recommended by a former report of the committee, each family being under the immediate supervision of an instructor called *Father*, who is held to a strict accountability by the superintendent for the good behavior, cleanliness, moral and intellectual advancement of those under his charge. The Fathers, so-called, sleep in the same building with their families, each family occupying a building to itself, which during most of each day, and when the boys are not at work, is used as a school-room, with the usual modern appurtenances. As a very valuable auxiliary to the Fathers, especially of the younger families, your committee would inquire if it would not be proper to allow a mother to reside with and help share the grave and delicate responsibility of helping to reform and develop the young natures that inheritance, crime and poverty have misdirected? especially where such help is without price except the keeping.

Your committee visited the school-rooms and found them to compare favorably with and the advancement as rapid as in our common

schools. Discipline, both in and out of school, was excellent, and there was nothing in the general appearance of the boys to denote that crime or incorrigibility had sent them there; they were polite and orderly. We visited them at meal time and observed that they had plenty to eat of plain, wholesome food, cooked by themselves, under the supervision of an experienced cook. Their sleeping apartments were models of cleanliness and comfort, and the ventilation was most excellent, as was the case with all the buildings, and is an improvement of recent date. The inmates seemed to be comfortably clad, with clothing in a great measure manufactured by inmates in the tailor shop connected with the Home. This department might be carried on, perhaps, on a larger scale, and to more perfection, and thus supply another industry that would be of benefit to such as desire a trade different from those now carried on at the institution; and it might not be amiss to inquire if still other branches of industry might not be added without additional expense to the State and to the profit of the inmates?

The chair shop, which last year *cane-seated* over 100,000 chairs, is the only active trade pursued, except farming. Either this should be done or the acreage of the farm increased. The committee conversed with various inmates, privately, but no cause of complaint as to treatment or against the management was preferred, and that they are correct in their conclusions as to the condition and treatment of these wards of the State, they refer, for further proof, to the fact that only three out of three hundred and eighty-three boys were in the hospital, and they were not much sick, while there has not been a death in the last year, and the report of the commissioners show a reduction of expense for sickness of fifty per cent. The committee were well pleased with the corps of assistants and teachers, who appeared to be every way well qualified for the duties assigned them and who seem to take an interest in the welfare of those committed to their care; they are, however, assisted in the moral instruction of the inmates by Rev. Abbett, of this city, who, without pecuniary reward, at least from the State, visits them quite often and labors faithfully in the cause of his Master.

The committee found the books and accounts of the institution in excellent condition. Mr. O'Brien, the Superintendent, has certainly succeeded in keeping the finances of the institution in a condition to be understood, and we need only refer to his report in connection with that of the commissioners of 1878 to show the present status, while his books, vouchers and monthly reports examined by the

committee disclose the receipts and expenditures in detail. It will be remembered the last committee's report shows that the present management found over \$15,000 indebtedness to provide for when they took control. By compromise and collections from county indebtedness to the institution, that has all been settled. While the net earnings of the institution for the last year has been \$5,800.62, and of the \$53,000 appropriation the State made, they only used \$43,000, leaving \$10,000 in the treasury of the State.

Your committee found that about all of the 225 acres which the farm contains was under cultivation, that is, that was susceptible of cultivation, and that the inmates had mostly done the work, besides 160 acres more of rented ground, upon which a large yield of corn and wheat was realized. In this way the institution supplied itself principally, besides selling quite a quantity of garden products; and it now has feed and grain enough for the stock until another crop, unless it may lack two or three tons of hay. The stock seemed to be in pretty good condition, but are in need of more and better shelter when the times will admit the outlay. The farming and hauling, the graveling and improving, is now done with thirteen horses, being four less than was deemed necessary when 160 less acres were cultivated. We mention this because the former committee suggested a reduction.

We would further report that one of the committee offered a bill, or tried to, but failed for want of consent, embodying the suggestions contained in Commissioner Jordan's report, on page 11, viz: That commitments should be made only by judges of criminal and circuit courts upon complaint of township trustee or mother of the boy, instead of by justices, as the law provides. We believe such an amendment to the law should be made, and that boys under nine years of age should not be committed except for felony. Otherwise, as soon as the benefits of the institution become generally known throughout the State, the capacity of the institution, now crowded, must be very greatly enlarged, and we would suggest whether or not there should not be some legislation at once to prevent the unequal enjoyment of its benefits between the counties? It will be observed by reference to the report that Marion county has from ten to twenty times the number of inmates of any other county except Wayne, Cass, Vigo and Jefferson, while by far the largest number of counties are from one to five.

The committee are of the opinion that during the present business depression that \$1,000 per annum is a sufficient and ample sal-



ary for the superintendent of said institution, in view of the fact that the State supports him and family, and they recommend its reduction to that amount.

Mr. Saint, from the committee on reformatory institutions, submitted the following report:

MR. SPEAKER:

Your committee on the reformatory institutions of the State, beg leave to state that, in conformity to custom, they visited the institution for the reformation of women and girls, located near this city, in conjunction with the Senate committee on reformatories; that some of them visited the institution on other occasions, when they were not expected, and they respectfully submit the following report:

We examined first the books and accounts of the institution, and as far as we could learn they were correct, and kept in an unusually business-like manner by the secretary, Miss Dunlop. Each fund was kept separately, the receipts and disbursements presented in detail, and the affairs of the institution set forth fully every month in the monthly statements thereof, as will be found in the annual report of the board of managers of 1878, to which we respectfully make reference. We made a thorough inspection of the buildings and condition of inmates, etc., the former were in good condition, the latter well provided for, cleanly and in a good state of discipline, and in the school department the inmates seem to be making satisfactory progress under the care and supervision of the teachers, who also exercise a very watchful oversight over their respective families at all hours. The superintendent and her efficient corps of assistants are fast demonstrating the practicability of what has heretofore been regarded as a doubtful experiment, to-wit; the reformation to a great extent of the worst and most depraved class of criminals, learning them habits of industry, and thereby making them, in a degree, self-supporting. The importance of an institution carried on as this is, can not be over estimated.

The withdrawal from society of a class of criminals whose influence for harm can not be computed, and their commitment to an institution that prepares them to honorably support themselves is certainly a measure of political economy, to take no higher view of the matter. For instance, it has been ascertained by careful examination, and by personally visiting the localities of those discharged,

that about eighty-two per cent. of those who have been discharged from the penal department, and seventy-eight per cent. from the girls' department, are honorably maintaining themselves in society. When we consider the damage to society and the cost to the State of even one depraved woman in a community, what stronger argument can be made in favor of encouraging such institutions by liberal appropriations? The universal depression of business and scarcity of money is our only excuse for not recommending an appropriation for the erection of the additional wing of the main building contemplated in the original plan. The committee are of the opinion that the controversy between the United States and this institution will soon be amicably adjusted in view of the appropriation made to construct sewerage, so as not to interfere with the assumed rights of the government. They are also of the opinion that with the continued practice of economy that has thus far distinguished the management of this charity, the specific appropriation will enable the board to provide further and much needed safeguards against fires, and recommend the construction of a spiral stairway, or fire-escapes, at the end of each wing, and also to enlarge the facilities for protecting the laundry department—though we fear not to the extent demanded—as it is the most profitable industry in the institution, and affords opportunity for only about one-half the girls that could be employed therein.

The committee visited the sewing department, and were glad to note its flourishing condition and the progress made in teaching the idle and vicious habits of industry, and in preparing them for future usefulness and self-maintenance. Everything appeared to be not only on the occasion of our official visit, but at other visits when not expected, in an orderly condition; thoroughness and system being marked in every department. We observed almost as great an inequality of representation among the different counties as in the House of Refuge. The committee found forty-five inmates in the penal department and one hundred and forty-seven in the reformatory department. Out of all those discharged as properly qualified to resume their places in society, only one has returned or been recommitted during the present year, which, we submit, speaks well for the success of this institution, there having been at least twenty-five persons who had been adjudged unfit to be at large in society, discharged during the present year.

The committee further recommend that a brick floor or foundation be constructed under the stove, in the ironing room, at least

ten feet square, as a precaution against fire. The inmates were well and decently clad, as part evidence whereof the committee found no person on the sick-list, nor any that gave evidence of soon being there.

The satisfactory exhibit made by the superintendent and board of managers in their annual report, speaks more for the success of the institution in reforming the vicious and incorrigible than any words we can say, and contains a sufficient eulogy on the officers of the institution, and we close our report by referring all interested to the contents of that report.

Mr. Dailey offered the following concurrent resolution :

*Resolved by the House of Representatives (the Senate concurring therein),* That R. W. Miers, Robert Van Valzah, John W. Golden, Thadeus Fancher, Clark L. Baker, G. I. Reed and David A. Cunningham, of the House, be allowed each the sum of \$25, except D. A. Cunningham, who be allowed \$17, for their expenses while absent on business of the State at Purdue University, the State Normal School and the Indiana State University. That the Speaker issue his warrant for the payment of the same out of the Legislative appropriations.

Which resolution was adopted.

House Bill No. 649. Introduced by Mr. Huthsteiner, entitled "A bill for an act to amend section 3 of an act entitled an act to amend section 1 of an act entitled an act regulating foreign insurance companies doing business in this State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith, and prescribing penalties for the violation of the provisions of this act, approved December 21, 1865, and adding supplemental sections thereto, approved March 3, 1877."

Read the first time.

Mr. Handy submitted the following concurrent resolution :

*Resolved by the House of Representatives (the Senate concurring therein),* That M. E. Locke, engrossing clerk, be and he is hereby allowed the sum of \$50 for extra-services as janitor of the engrossing and enrolling rooms.

Mr. Shauck moved that the resolution do lie on the table.

Which was agreed to.



Mr. Hubbard submitted the following memorial:

MEMORIAL OF WESTERN YEARLY MEETING OF FRIENDS, HELD  
AT PLAINFIELD, INDIANA, BY ADJOURNMENTS FROM THE  
THIRTEENTH TO THE NINETEENTH OF NINTH  
MONTH, 1878, ON CAPITAL PUNISHMENT.

*To the General Assembly of the State of Indiana:*

Believing that the public mind is looking with favor upon the abolition of capital punishment, and we, as a religious society, holding that it is incompatible with the spirit and teachings of the Gospel, and inconsistent with the character and example of our Saviour; and being also persuaded that the prevention of crime would be better served, do respectfully petition for its repeal, and that imprisonment for life be substituted therefor.

By direction of the meeting.

AMOS DOAN, Clerk.

Mr. Hubbard submitted the following memorial:

MEMORIAL OF WESTERN YEARLY MEETING OF FRIENDS, HELD  
AT PLAINFIELD, INDIANA, FROM THE THIRTEENTH TO  
THE NINETEENTH OF NINTH MONTH, 1878, ON  
CONSTITUTIONAL AMENDMENT TO PRE-  
VENT INTEMPERANCE.

*To the General Assembly of the State of Indiana:*

Believing that the use of intoxicating liquors is one of the most fruitful causes of evil, morally, physically and financially, in our country, and that it is without any corresponding benefit, either to the individual or the State, we respectfully ask your honorable body, at your present session, to take measures looking to the adoption of a constitutional amendment which shall embrace the following ideas, to-wit:

The General Assembly of the State shall not pass any law allowing or licensing the sale of intoxicating liquors; but it shall pass such laws as will protect society, the morals of the people, and parties injured from the result of their sale.

By direction of the meeting.

AMOS DOAN, Clerk.

Mr. Saint presented a petition from citizens of Henry, Madison and Hancock counties.

Which was referred to the committee on temperance.

House bill No. 650, introduced by Mr. March, entitled "An act for an act to amend sections 6 and 635 of the practice act, approved June 18, 1852."

Read the first time.

Mr. Works, from the special committee to investigate the office of the Auditor of State, submitted the following report :

MR. SPEAKER :

Your special committee, to whom was referred a resolution instructing the committee to investigate the affairs of the office of the Auditor of State, have had the same under consideration and the minority of the committee beg leave to submit the following report :

The resolution instructs your committee to investigate the office of the State Auditor during the term of office of the predecessor of the present incumbent and report to the House :

First. The amount of fees received by such Auditor during his term of office.

Second. Whether any of such fees were illegal. And

Third. Whether such Auditor has failed to pay into the State Treasury any money collected by him which by law belonged to the State.

The committee submitted to ex-Auditor Henderson certain interrogatories, to which he filed the following answer :

*Hon. J. D. Works, Chairman Committee, etc. :*

Your committee has submitted to me three questions in relation to my action as late Auditor of State, to which I hasten to make answer.

Your first question being as follows : "What fees or commissions is the Auditor of State authorized to collect from foreign insurance companies, either for the use of the State or for himself?" I answer first.

The Auditor of State is authorized to collect from foreign insurance companies, under the third section of the act of December 12, 1875 (Act Special Session 1875, page 51), five dollars in each and every case for the examination of evidence of investment, and two dollars for each certificate of authority, issued under the provisions of the act of December 1, 1865 (see Acts 1865, page 105, Special Session) ; the entire amount of which receipts were required to be, by such Auditor, paid quarterly into the State treasury, to become part of the general fund, less twenty-five per cent. thereof which such Auditor was authorized to retain for his services in collecting the same.

Second. The Auditor of State was authorized to collect from such foreign insurance companies, under the provisions of the third section of the Act of March 3, 1877 (Acts Regular Session 1877,

page 65), fees, etc., in addition to those specified in the third section of the Act of December 12, 1875, and the Act of December 1, 1865, where, by the laws of the State in which said company or companies were organized, a greater rate of fees, etc., were required of like companies of this or other States for doing business in such State, to an amount equal to the amount of fees, etc., required in such State in excess of the said fees required by this State, and which additional fees, etc., such Auditor was so authorized to collect "in like manner for like purposes" as they were imposed on like companies by such State—that is, for the use of himself to compensate him for additional services, and to defray the expenses of the insurance department under his supervision.

Your second question is as follows: "2. Are there any fees or commissions allowed the Auditor by law for his services other than the twenty-five per cent. allowed by section 3 of the Act approved December 1, 1865? If so, what are the additional fees?"

To this question I answer, yes; that the laws of this State restricting the rights of foreign insurance companies, and imposing certain duties upon, and requiring them to pay certain fees—and the fees in question have been, in the main and in the spirit and essence of them, taken from the statutes of the State of New York upon the same subject. The Act cited of December 1, 1865, was, substantially, copied from the statutes of New York, and had been in force there for a considerable period before its adoption in this State.

The third section cited of the Act of March 3, 1877, was, in its substance, copied and taken from the statutes of New York, and had been in operation there long before its adoption here.

The purpose and object of the New York statutes on the subject, as expressly declared in her statutes, was to create an insurance department to protect her people against vicious and unsafe insurance companies, thereby relieve meritorious companies of competition with vicious and unsafe ones, and require those companies, deriving the benefit of these restrictive measures, to defray the expenses of the department by the payment of such fees as those in question. While the New York statutes require these fees to be paid into the state treasury, yet when so paid it is expressly declared that in the treasury they are to constitute a fund to defray the expenses of the insurance department.

The chief of the department is required also, if the amount of fees provided for shall not make a fund sufficient to defray the expenses of his department, to assess upon insurance companies of the state:



pro rata a sum sufficient to meet the deficiency. And such chief of the department is also, under the provisions of the act from which the said third section of the act of this state of March 3, 1877, was borrowed, authorized, if he shall find that the amount to be raised under its provisions will, with the regular fees under other provisions fixing specific fees, exceed the amount of salaries and expenses of his department, to remit the same. In short, the whole policy of the system of insurance restrictions, from which our system has been taken, has been to provide against imposition upon the people in the matter of insurance without expense to the people, and to require of those companies which sought to avail themselves of the advantages resulting from the restrictions imposed to pay the expenses necessary to enforce the restrictions, excluding the idea of making revenue for the state thereby.

For ten years, from 1865 to 1875, this policy was adhered to in this State, and was understood and acted upon by my predecessors in office. In 1875 the policy adopted with the system from New York, was so far departed from, that as to *three-fourths* of *two specific fees*, this State declared her purpose to make the money collected a part of her general fund, assigning to the Auditor the remaining fourth for collecting the same.

This is the only instance in which this State has in any manner expressed an intention to depart from the policy upon which she started out—the only instance in which she has claimed the earnings of the officer performing the duties and rendering the services for which the fees are paid.

While under the third section of the act of 1877, the auditor is authorized to collect additional fees to those imposed by the laws of 1865 and 1875, and the undersigned has, as auditor, collected such fees from the companies of those States where higher fees were imposed on the companies of other States than those imposed under our laws. They were by the undersigned so collected as fees due to himself as the officer in charge of the insurance department of the State, and not for the State, because,

First. In enacting the law giving the auditor power to collect them the State asserted no ownership of the money so collected.

Second. New duties were required of the auditor. The statutes of each State having insurance agencies in this State had to be searched and construed. Prior to the act cited of March 5, 1877, the only duty of the auditor was to examine the *statement* as made and filed, and if in form and upon its face sufficient, he was bound

to act upon it. He had no power to look beyond it. By the provisions of the act of 1877, which allows the additional fees in question, he was bound to look behind and beyond the statements and affidavits made and filed with him in every case, to ascertain the truth of the statements, and for that purpose was compelled to keep himself advised and make a continual study of the subject, searching for the truth in regard to the condition of each company, in every available avenue of information. So important is this duty thus first imposed on the auditor by the act of 1877, that in most sister States a separate department of government has been organized for its performance, and in most such states these companies are required to make much fuller and more specific reports, thereby greatly aiding and lessening the labors of the examining officers.

The act of 1877 also imposed upon the Auditor the further and more responsible duty of inquiring and forming a judgment whether any such companies so did business, or was in such condition, as that the details of its business and the interests of its policy holders in this State should be submitted to a thorough examination of its business and condition, in addition to the inspection and examination of its statements as previously required; and if, upon survey of the facts, his judgment was that the business of any company ought to be examined into, then he was required to enter upon the duty of a personal examination of its business and condition, or to select one or more competent and disinterested persons and commission them in writing to perform this duty. The expense of the examination was to be paid by the company examined. The result of these examinations were required to be fully reported and the Auditor was required to enter them upon a book to be by him kept for that purpose, and then the Auditor was required to make up an abstract or synopsis of the report and publish it in two of the leading daily newspapers of the State. In short, this statute of 1877 devolved upon the Auditor of State all the powers, duties and responsibilities of a superintendent or commissioner of insurance, without providing other compensation than the said additional fees.

Third. These additional fees were earned by him in the discharge of these new duties imposed upon him, and no other compensation provided than these fees, because it was the policy of the law, as shown by our own Legislature, as well as that of the State from which it was transplanted, that these fees should be applied in payment of the services rendered in earning them, and the except-



ion to this in the Act of 1875, since it applies to but two items of these fees specifically enumerated, may be cited as proof of the general proposition, "*expressio unius, exclusio alterius*."

The legislation of other states than New York, upon the matter in question will be found, like that of Indiana, in the main, to follow New York in their general policy, and the fees, etc., collected in such cases are applied in payment of the department and officers discharging the duties of enforcing the restrictions.

In reference to these fees I have acted on the advice of legal counsel, and done what I believed, and yet believe lawful and right, and I am willing to abide the decision of any competent court in the matter, and if there be any serious doubt as to whether I am right, and entitled to these fees, then I suggest it would be well to have a full judicial investigation and determination of the question.

Your third question is as follows: "What fees if any are allowed the Auditor for services in managing the land department of his office?"

I answer, none at all. The act creating the department, act March 3, 1877, page 119, authorizes him to concentrate or muster certain records which before were scattered over the State, affecting entries and titles to the lands of the State and the surveys thereof, and to index them so as to make them available, and authorize him to appoint a "Land Clerk" at a salary of \$1,500 per year.

The act creating the department nor any other law of the State, gave the Auditor any power to charge any fee while making duly certified transcripts from such records evidence. Compensation for any service rendered in this department, other than the service of collecting and indexing was left to private contract.

The only law of the State known to the undersigned that in any way affects the question we are considering, is section 15, of 1 Davis' Revision of the Statutes, page 160, which provides that, when required by the commissioners of any county or other person, "the Auditor of State shall furnish copies of registers, descriptions, maps, etc., at the expense of *the board or person demanding the same*."

Respectfully,

E. HENDERSON.

The question whether any fees have been collected and retained which should have been paid into the State treasury is the most important and may be considered first.

Whether the State is entitled to claim any part of the fees collected, must depend upon the construction of the statute under



which they were received by the Auditor. We therefore call attention to these statutes, and, first, the statute regulating foreign insurance companies.

By an act approved December 21, 1865, it was provided that all foreign insurance companies doing business in this State should file a statement with the Auditor of State, showing the name and financial condition of the company.

It further provided that upon the filing of such statement, the Auditor shall issue to the agents of such companies a certificate of authority to transact business in this State, and until such statement was filed and certificate issued it was declared that it should be unlawful for any such company or its agents to do business in this State. The statutes further required that these statements and certificates should be renewed semi-annually. 1 Revised Statutes, 1876, 594, 595; sections 1 and 2.

The third section of the act, as originally passed, provided that the Auditor of State should charge for the statements required to be filed five dollars each, and for each certificate issued to an agent two dollars. Under the section as it then stood, the fees so collected belonged to the Auditor, and the State had no interest in them; but the fees proved to be so enormous that, in 1875, the legislature amended section 3 to read as follows:

"Section 3. The Auditor of State shall charge and collect for the State of Indiana the sum of five dollars in each and every case for the examination of the statement and investigation of evidence of investment, and two dollars for each certificate of authority issued under the provisions of this act, to be paid by the agent or agents applying for the same; and the Auditor of State shall, on the first Tuesday in April, June, September and December of each year, make to the Treasurer of State a sworn statement of the number of statements filed in his office, and of the number of certificates issued under the provisions of this act, and of the entire receipts therefor since his last report, and shall pay over to the Treasurer, to go into the general fund of the State, the entire amount of such receipts, less twenty-five per cent. thereon, which he may retain for his services in collecting the same. 1 Revised Statutes, 1876, 597; section 3.

It will be seen that by this section, as amended, the amounts required to be paid by the companies were not to be collected as fees due the auditor, but the whole amount should be charged and collected "for the State of Indiana." The money in the hands of

the Auditor was the money of the State, but instead of paying him a salary it was provided that he should be allowed to retain, of the State's money so collected, twenty-five per cent. of the amount received. The section provides very clearly that the Auditor in his reports shall account for the "entire receipts" from the statements filed and certificates issued.

In 1877 the first section of the insurance law was amended and supplemental sections added to the law of 1865, acts of 1877, page 65. The title of the act was as follows: "An act to amend section 1 of an act entitled an act regulating foreign insurance companies doing business in this State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith, and prescribing penalties for the violation of the provisions of this act, approved December 21, 1865, and adding supplemental sections thereto."

This title shows that the sections added after the amendment of the first section of the Act of 1865 are supplemental to that act as amended by the act of 1875, and, therefore, the whole statute must be considered together, including the amendments and supplemental sections, and the several acts as they now stand should receive the same construction that they would have received had they been included in the original act of 1865.

The supplemental sections of 1877, and the one upon which this whole question of the liability of the Auditor to account to the State for seventy-five per cent. of the fees collected thereunder, is as follows:

"Section 3. When, by the laws of any other State, any taxes, fines, penalties, licenses, fees, deposits of money or other securities, or other obligations or prohibitions are imposed upon insurance companies of this or other states or their agents, greater than are allowed by the laws of this State, then the same obligations and prohibitions, of whatever kind, shall in like manner, and for like purposes, be imposed upon all insurance companies of such states and their agents. All insurance companies of other nations, under this section, shall be held as of the state where they have elected to make their deposits and establish their principal agency in the United States."

This section was not included in the original act of 1865, but is one of the supplemental sections named in the above title. The question of law presented is whether the Auditor collects the additional fees provided for in the section last quoted "for the State of



Indiana," as provided in section 3 as amended, or do they belong to the Auditor. This is a question of importance to tax-payers, as the Auditor has collected under this section in two years over sixteen thousand dollars, no part of which has been paid into the state treasury. If the law is as we take it to be, seventy-five per cent. of this amount should be paid to the State.

It is claimed that these fees and additional penalties belong to the Auditor because, by the supplemental section, he is required to perform other services than those required by the original act. There is no force in this position. But one additional duty is required by this section, viz: To examine into the business of any company when he believes it to be for the interest of the policy holders of such company. This is provided for in section 2, and in that section it is expressly provided that "the expenses of all examinations, entries and publications, as in the section provided, shall be paid by the company," so the auditor is not paid for this additional service under section 3. As section 3 of the original act, as amended, provided that the money the companies were so required to pay should be collected for the State, and the section providing for additional fees is added to that act, and is made a part of it, and no provision is made for the money going in any other way, the conclusion must be irresistible that it was the intention of the Legislature in providing for these additional fees that they should belong to the State after paying the Auditor twenty-five per cent. thereof. The language of the section should be sufficient to exclude any intention that it was for the benefit of the Auditor. It does not provide for the collection of fees alone, but for "taxes, fines, penalties, licenses," etc. Fines and taxes are not usually collected for the benefit of the officer collecting them, but for the State. The section provides that where other states impose these additional penalties they may be imposed here against insurance companies from such states doing business in this State, "in like manner and for like purposes." If we look to the statutes of other states it will be found that in none of the states do the fees go to the Auditor or any other officer, as fees. In New York a similar law is in force, but there they have an insurance department, and it is provided that the fees collected from insurance companies shall be paid into the state treasury, to be used for the purpose of paying the expenses of the insurance department. None of the officers connected with the insurance department receive any of these fees. They are all paid salaries.



In this State the Auditor has the management of the insurance department. He and the clerks of the department are paid a salary, not out of a special fund but out of the general fund; and if the additional fees are to be collected for a like purpose to that provided for in New York, that "like purpose" would be to go into the treasury to pay the salary of the Auditor and insurance clerks. The laws of other states are similar to that of New York. Looking at our own statutes alone, or in connection with the statutes of other states, the conclusion must be the same. Giving it the most liberal construction in favor of the Auditor, it is clearly his duty to pay seventy-five per cent. of the amount collected into the state treasury.

In addition to the fees charged by the Auditor, under the retaliatory section, he has charged three companies with the postage required to send out the certificates. The stamps used were purchased with the State's money, appropriated to pay the expenses of the Auditor's office. The Auditor has failed to account to the State for the money received from the companies. He received from this source alone about six hundred dollars during his last term of office. The committee are unanimously of the opinion that this money should be paid into the state treasury.

#### LAND DEPARTMENT.

For services rendered in this department the Auditor has collected fees, amounting to one thousand and ninety-five dollars. We believe he had no right to collect any such fees. The only statute under which he could claim such right is as follows: "He shall furnish copies of all or any part of such registers, descriptions or maps when so required by any board of county commissioners or others at the expense of the board or person demanding the same." 1 Rev. Stat. 1876, sec. 15. This statute does not authorize the Auditor to charge any fee for himself. The evident intention was that if there was any expense necessary in issuing such copies it should not be borne by the State. The services rendered by the Auditor are paid for by way of salary as provided by the act of 1875, and if this section allowed him to charge a fee it was clearly repealed by that act. The Auditor has construed the section to authorize him to charge whatever he pleased for services rendered under it without any limitation. We are of the opinion that all fees charged in the land department were illegal.

## AMOUNT OF FEES RECEIVED BY THE AUDITOR DURING HIS TERM.

It has been impossible for the committee to go over the books during the whole term in the short time allowed us. We have procured a statement of fees, furnished by Mr. Henderson himself, for six months, commencing with January 1, 1878, and have taken it as an average in arriving at the fees received by him from insurance companies.

The statement shows that he has received under section	
3 for the six months.....	\$7,995 00
Of this amount he has retained twenty-five per cent. for services, amounting to.....	1,998 75
He has collected under the other sections extra fees for the six months, none of which has been accounted for to the State.....	
	4,149 75
Postage furnished the companies and paid for.....	150 00
<hr/>	
Total received as fees from insurance companies for six months.....	\$6,298 50
Which would make his fees from insurance companies alone for one year.....	12,597 00
To this should be added the amount received from the land department.....	547 00
Salary allowed by law.....	1,500 00
Amount appropriated by the appropriation bill above the salary allowed by law.....	1,000 00
This would swell his fees and salary, <i>per annum</i> , to.....	15,644 00
These fees he received for the two years of his last term, which amounted to.....	31,288 00
Of this amount he should account to the State for seventy-five per cent. of extra fees collected.....	12,449 25
All the money collected for postage.....	600 00
<hr/>	
Total due the State.....	\$13,049 25

We submit, as a part of this report, the statement of Ebenezer Henderson, marked exhibit "A," and filed herewith; a copy of the opinion of the present Attorney General on the same subject, marked exhibit "B;" also, the statement of Mr. Henderson, as Auditor of State, printed and forwarded to insurance companies, including the opinion of Messrs. Finch and Finch and F. M. Trisal and Attorney General Buskirk, marked exhibit "C," under

which he forced the companies to pay the additional fees on the ground that the statute was a revenue law, and he, as Auditor, had no discretion in the matter.

We desire to report, further, that before the resolution of the gentlemen from Owen was referred to the committee, we had commenced to investigate the office from the date of the Act of 1877, and have not had time to investigate further. If the House should be of the opinion that the money we have shown to have been collected should be paid into the treasury, it would be well to investigate the office thoroughly that the correct result may be reached, otherwise it would be a useless expense.

We would not be doing our duty if we should fail to call the attention of the House to the very defective condition of our laws respecting the collection of both taxes and fees from insurance companies. There is no check whatever upon the Auditor. He collects thousands of dollars of taxes for the State, and it lies entirely with him whether he pays over the correct amount to the Treasurer or not. He is not required to make any report of the fees received, and there is no way by which the amount collected can be ascertained except from each company paying taxes.

Legislation upon this subject is much needed, and should not be neglected. The law does require that the Auditor shall make a sworn statement of the number of statements filed and certificates issued and the amount received therefor; but we find upon examination of the statements filed that they have not been sworn to as required by law. In view of the facts set out in this report, we submit the following resolution:

*Resolved*, That the Attorney General be instructed to ascertain what amount of fees have been collected by the said Henderson and not paid into the treasury, and upon failure of said Henderson to pay said amount into the treasury within thirty days, that the Attorney General bring suit therefor on his official bond as Auditor of State.

(Signed.)

JOHN D. WORKS.

JOHN OVERMYER.

GEORGE B. SLEETH.



## EXHIBIT "A"—STATEMENT OF AUDITOR OF STATE OF FEES COLLECTED IN SIX MONTHS.

NAME OF COMPANY.		STATE.		AMOUNT CHARGED FOR THE STATE OF INDIANA.					AMOUNT CHARGED AS FEES OF THE AUDITOR OF STATE.							
				Filing Statement.	No. of Certificate.	Amount.	Total.	Postage.	Filing Charter.	Recording.	Filing Statement.	Indexing and Re- cording.	Amounts for Certifi- cates and Seals.	Certifying two copies of Statement for Publication.	Making Copies of Statement.	Total.
Phoenix Fire	Connecticut	\$5 00	170	\$340 00	\$345 00	12										
Orient, Fire	Connecticut	5 00	20	40 00	45 00	\$1 20										
Michigan State, Fire	Michigan	5 00	17	31 00	39 00	1 02										
Citizens, Fire	Missouri	5 00	1	2 00	7 00	06					\$20 00	50	\$2 00	2 00		\$2 00
North British and Mercantile, Fire	New York	5 00	65	130 00	135 00	3 78					5 00	50	65 00	2 00		72 50
Newark, Fire	New Jersey	5 00	7	14 00	19 00	42			\$20 00	\$3 00	5 00	50		2 00		30 50
Milwaukee M. M. Fire	Wisconsin	5 00	13	26 00	31 00	78						50	13 00	2 00	25	30 50
Northwestern National, Fire	Wisconsin	5 00	25	50 00	55 00	2 76						50	25 00	2 00		13 75
Buffalo German, Fire	New York	5 00	7	14 00	19 00	42					5 00	50	7 00	2 00		27 50
Commerce, Fire	New York	5 00	1	2 00	7 00	04					5 00	50	1 00	2 00		14 50
Farmers, Fire	Pennsylvania	5 00	9	18 00	23 00	48					5 00	50	18 00	2 00	50	26 00
Rochester German, Fire	New York	5 00	6	12 00	17 00	36					5 00	50	6 00	2 00	50	14 00
Travelers' Life and Accident	Connecticut	5 00	48	96 00	101 00	2 58										
Hartford, Fire	Connecticut	5 00	272	544 00	549 00	1 71										
Connecticut, Fire	Connecticut	5 00	47	94 00	99 00	2 82										
Farmers' Home, Fire	Ohio	5 00	6	12 00	17 00	36					5 00	50	12 00	2 00		19 50
American, Fire	Illinois	5 00	217	431 00	439 00	1 50						50	431 00	2 00		436 50
Zena, Fire	Connecticut	5 00	158	316 00	321 00	36										
Watertown, Fire	New York	5 00	61	122 00	127 00	3 66					5 00	50	61 00	2 00		68 50
Springfield, Fire	Massachusetts	5 00	71	142 00	147 00	4 26										
Howard, Fire	New York	5 00	18	36 00	41 00	1 08				2 75	5 00	50	18 00	2 00		24 25
Franklin, Fire	Pennsylvania	5 00	60	120 00	125 00	3 60					5 00	50	60 00	2 00		67 50
National, Fire	Connecticut	5 00	35	70 00	75 00	2 10										
Royal, Fire	New York	5 00	83	166 00	171 00	4 98					5 00	50	84 00	2 00		92 50
St. Nicholas, Fire	New York	5 00	1	2 00	7 00	06					5 00	50	1 00	2 00		8 50
Home, Fire	New York	5 00	192	384 00	389 00	42					5 00	50	192 00	2 00		199 50
Teutonia, Fire	Ohio	5 00	21	42 00	47 00	1 26					5 00	50	42 00	2 00		49 50

American Central, Fire.....	Missouri.....	21	42 00	47 00	84	20 00	50	2 00	22 50
People's (Trenton), Fire.....	New Jersey.....	17	34 00	39 00	1 02	5 00	50	2 00	7 50
Niagara, Fire.....	New York.....	5 00	120 00	125 00	3 54	5 00	50	2 00	67 50
Fireman's Fund, Fire.....	California.....	5 00	98 00	103 00	2 94	5 00	50	2 00	56 50
Germania, Fire.....	New York.....	49	120 00	147 00	3 16	5 00	50	2 00	78 50
Hanover, Fire.....	New York.....	71	142 00	145 00	3 11	5 00	50	2 00	77 50
Amazon, Fire.....	Ohio.....	70	140 00	61 00	1 68	5 00	50	2 00	63 50
Westchester, Fire.....	New York.....	28	56 00	55 00	1 50	5 00	50	2 00	32 50
Atlantic, Fire.....	New York.....	5 00	50 00	23 00	54	5 00	50	2 00	16 50
Hong, Fire.....	Ohio.....	9	18 00	101 00	2 68	5 00	50	2 00	103 50
Trade, Fire.....	New Jersey.....	48	96 00	35 00	90	5 00	50	2 00	7 50
Mercantile, Fire.....	Ohio.....	15	30 00	19 00	42	5 00	50	2 00	21 75
Columbia, ".....	New York.....	7	14 00	19 00	42	5 00	50	2 00	14 75
Traders, ".....	Illinois.....	7	14 00	27 00	66	5 00	50	2 00	24 50
Standard, ".....	New York.....	11	22 00	11 00	18	5 00	50	2 00	10 50
Fremens', ".....	New Jersey.....	3	6 00	7 00	06	5 00	50	2 00	7 50
Hamburg-Bremen, Fire.....	New York.....	1	2 00	19 00	42	5 00	50	2 00	15 50
German-American, ".....	New York.....	7	14 00	145 00	4 08	5 00	50	2 00	77 50
Glen Falls, ".....	New York.....	5 00	30 00	65 00	1 80	5 00	50	2 00	37 50
Detroit, Fire and Marine.....	Michigan.....	70	60 00	19 00	72	5 00	50	2 00	7 50
Peoples, (Newark), Fire.....	New Jersey.....	12	24 00	29 00	72	5 00	50	2 00	26 50
German, ".....	Illinois.....	5 00	12 00	29 00	72	5 00	50	2 00	8 50
Hoffman, ".....	New York.....	12	24 00	7 00	06	5 00	50	2 00	8 50
New York City, ".....	New York.....	1	2 00	7 00	06	5 00	50	2 00	8 75
Exchange, ".....	New York.....	1	2 00	7 00	06	5 00	50	2 00	31 75
St. Paul, Fire and Marine.....	Minnesota.....	12	24 00	29 00	72	5 00	50	2 00	94 50
Insurance Co. of N. A., Fire.....	Pennsylvania.....	5 00	174 00	179 00	5 22	5 00	50	2 00	102 50
Ohio Farmers', ".....	Ohio.....	5 00	48 96 00	101 00	2 76	5 00	50	2 00	82 50
Fire Association, ".....	Pennsylvania.....	5 00	150 00	155 00	4 50	5 00	50	2 00	241 50
Continental, ".....	New York.....	75	468 00	473 00	3 99	5 00	50	2 00	67 00
Northwestern Mutual, Life.....	New York.....	234	24 00	119 00	24	7 50	50	2 00	35 50
Aurora, Fire and Marine.....	Wisconsin.....	57	114 00	33 00	84	5 00	50	2 00	107 50
Phenix, Fire.....	Ohio.....	14	28 00	205 00	5 58	5 00	50	2 00	31 50
Union Central, Life.....	New York.....	100	200 00	29 00	72	5 00	50	2 00	53 50
Pennsylvania, Fire.....	Ohio.....	12	24 00	97 00	2 76	5 00	50	2 00	7 00
Commonwealth, Fire.....	Pennsylvania.....	46	92 00	41 00	1 08	5 00	50	2 00	65 50
Gilard, Fire and Marine.....	Pennsylvania.....	18	36 00	63 00	1 74	5 00	50	2 00	55 50
Fremens', Fire.....	Ohio.....	29	58 00	53 00	1 44	5 00	50	2 00	48 50
Railway Passengers, (Accident).....	Connecticut.....	24	48 00	229 00	6 72	5 00	50	2 00	48 50
Royal Canadian, Fire.....	Illinois.....	112	224 00	51 00	1 38	5 00	50	2 00	47 50
American, ".....	Illinois.....	23	46 00	45 00	1 20	5 00	50	2 00	12 50
Northern, ".....	Pennsylvania.....	5 00	40 00	15 00	30	5 00	50	2 00	46 50
Liverpool and London and Globe, Fire.....	New York.....	5 00	10 00	83 00	2 34	5 00	50	2 00	26 75
Queen, Fire.....	New York.....	39	78 00	41 00	1 08	5 00	50	2 00	7 50
Eliot, Fire.....	New York.....	18	36 00	13 00	24	5 00	50	2 00	8 50
Fremens', Fire.....	Massachusetts.....	4	8 00	13 00	24	5 00	50	2 00	8 25
Washington, Fire and Marine.....	Massachusetts.....	4	8 00	13 00	24	5 00	50	2 00	19 50
Lancashire, Fire.....	New York.....	12	24 00	29 00	72	5 00	50	2 00	20 50
London Assurance Corporation.....	New York.....	13	26 00	31 00	78	5 00	50	2 00	29 00
Imperial, Fire.....	New York.....	21	42 00	47 00	1 26	5 00	50	2 00	50

# EXHIBIT "A"—STATEMENT OF AUDITOR OF STATE OF FEES COLLECTED, ETC.—CONTINUED.

NAME OF COMPANY.	STATE.	AMOUNT CHARGED FOR THE STATE OF INDIANA.				AMOUNT CHARGED AS FEES OF THE AUDITOR OF STATE.								
		Filing Statement.	No. of Certificate.	Amount.	Total.	Postage.	Filing Charter.	Recording.	Filing Statement.	Indexing and Re- cording.	Amounts for Certifi- cates and Seals.	Certifying two copies of Statement for Publication.	Making Copies of Statement.	TOTAL.
Northern, Fire.	New York	\$5 00	21	\$42 00	\$47 00	\$1 26			\$5 00	50	\$21 00	\$2 00	50	\$29 00
Western, " "	Illinois	5 00	20	40 00	45 00	1 20			5 00	50	40 00	2 00		42 50
Mutual, Life.	New York	5 00	38	76 00	81 00	2 28			5 00	50	56 50	2 00		64 00
Lacasse General, Fire.	Illinois	5 00	27	54 00	59 00	1 42				50	54 00	2 00		56 50
Commercial Union, Fire.	New York	5 00	16	32 00	37 00	96			5 00	50	16 00	2 00		23 50
Scottish Commercial, Fire.	New York	5 00	21	42 00	47 00	1 26			5 00	50	21 00	2 00		28 50
Michigan, Mutual Life.	Michigan	5 00	26	52 00	57 00	1 56				50				
Germania, Life.	New York	5 00	13	26 00	31 00	78			5 00	50	19 50	2 00		27 00
Manhattan, Fire.	New York	5 00	37	74 00	79 00	2 22			5 00	50	37 00	2 00		44 50
Merchants' Fire.	New Jersey	5 00	17	34 00	39 00	1 92			5 00	50				
Provident, Life and Trust.	Pennsylvania	5 00	5	10 00	15 00	30			5 00	50	10 00	2 00		17 50
Williamsburgh City, Fire.	New York	5 00	3	6 00	11 00	18			5 00	50	3 00	2 00		10 50
Lorillard, " "	New York	5 00	6	12 00	17 00	36			5 00	50	6 00	2 00	\$1 50	15 00
North German, " "	New York	5 00	10	20 00	25 00	60			5 00	50	10 00	2 00	1 00	18 50
Shawmut, " "	Massachusetts	5 00	6	12 00	17 00	36			5 00	50		2 00	1 50	9 00
Star, " "	New York	5 00	1	2 00	7 00	06			5 00	50	1 00	2 00	25	8 75
Commercial, " "	New York	5 00	3	6 00	11 00	18			5 00	50	3 00	2 00	75	11 25
United States, Life.	New York	5 00	1	2 00	7 00	06			5 00	50	1 50	2 00		9 00
Hartford, Life and Accident.	New York	5 00	1	2 00	7 00	06								
Covenant, Mutual Life.	Missouri	5 00	6	12 00	17 00	36			50 00	50	12 00	2 00		34 50
Southern, Mutual Life	Kentucky	5 00	11	22 00	27 00	36			15 00	50	22 00	2 00	1 50	41 00
Franklin, Fire	Missouri	5 00	3	6 00	11 00	18			20 00	50	6 00	2 00		28 50
Berkshire, Life.	Massachusetts	5 00	11	22 00	27 00				5 00					5 00
Connecticut General, Life.	Connecticut	5 00	1	2 00	7 00									
American, Life.	Pennsylvania	5 00	2	4 00	9 00	12			5 00	50	4 00	2 00		11 50
Manhattan, Life.	New York	5 00	8	16 00	21 00	48			5 00	50	12 00	2 00		19 50
Farmville, Insurance and Banking.	Virginia	5 00	6	12 00	17 00	36			50 00	50	12 00	2 00	1 50	16 00





## EXHIBIT "B."

OFFICE OF THE ATTORNEY GENERAL,  
INDIANAPOLIS, MARCH 7, 1879.

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

SIR: I have the honor to acknowledge the receipt of the resolution of the House of Representatives, of even date herewith, calling on me for my opinion in answer to the following questions:

1. What fees are chargeable under the laws of this State against foreign insurance companies doing business here, to be collected by the Auditor of State?

2. What part of these fees belong to the State, and what part to the Auditor of State?

In answer I respectfully submit the following opinion:

The legislation of this State on the subject of fees to be charged against foreign insurance companies doing business in this State is comprehended in two sections of the acts of the Legislature. Section 3 of the act on the subject of foreign insurance companies, approved December 21, 1875, (Acts of 1875, page 51), provides as follows:

"Section 3. The Auditor of State shall charge and collect for the State of Indiana the sum of five dollars in each and every case for the examination of the statement and investigation of the evidence of investment, and two dollars for each certificate of authority issued under the provisions of this act, to be paid by the agent or agents applying for the same, and the Auditor of State shall, on the first Tuesday in April, June, September and December of each year, make to the Treasurer of State a sworn statement of the number of statements filed in his office, and of the number of certificates issued under the provisions of this act, and of the entire receipts therefor since his last report, and shall pay over to the Treasurer, to go into the general fund of the State, the entire amount of such receipts, less twenty-five per cent. thereon, which he may retain for his services in collecting the same."

The act approved March 3, 1877 (Acts of 1877, page 65), amending the first section of the act of 1865, contains the following supplemental section:

"Section 3. When, by the laws of any other state, any taxes, fines, penalties, licenses, fees, deposits of money or securities, or

other obligations or prohibitions are imposed upon insurance companies of this or other states, or their agents, greater than are required by the laws of this State, then the same obligations or prohibitions of whatever kind shall in like manner, for like purposes, be imposed upon all insurance companies of such states and their agents."

My first impression was strongly against the constitutionality of this last section, but my search for reasons to sustain my impression did not tend to strengthen my convictions in that direction. My predecessor had given an elaborate opinion sustaining the law, and after reflection I am not prepared to dissent from his conclusions. It is substantially a copy from the New York law, but I am not aware of any adjudication of its validity.

Assuming, then, this section to be constitutional, what are the fees chargeable against the foreign insurance companies doing business in this State?

Section 1, as amended and quoted above, fixes the fees very plainly for an examination of the statement and investigation of the evidence of investment at the sum of five dollars, and for each certificate of authority, two dollars. These are the minimum fees to be paid by any company coming into this State to do business.

Supplemental section 3. *Supra*, requires, when these fees are less than are required from foreign companies doing business in another State, and whose companies apply for authority to do business under our laws, that such additional fees or other obligations shall be imposed as may be required of foreign companies by the laws of the State where such applying companies are located. I suppose that under this provision it is the duty of the Auditor of State to ascertain, when a foreign company applies to him for authority, what fees are charged for similar purposes by the laws of the State where such company may be incorporated, and if they be greater than fixed by our law to charge accordingly. It will be seen, therefore, that the amount of fees to be charged, under section 3, depend upon the laws of the State from whence companies may come who desire to do business here. For the sake of illustration I will take the case of New York, whose companies are probably more numerous in Indiana than those of any other State. The fees chargeable in that State are as follows:

For filing declaration of company or certified copy of charter..	\$30 00
Filing annual statement.....	20 00



For each certificate of authority to agent of fire insurance company, such sum as may be fixed by the superintendent of insurance, not exceeding.....	\$5 00
To each certificate of authority to agent of life insurance company .....	5 00
For every copy of paper in the office, per folio.....	10
For affixing seal of office to such paper.....	1 00

It would seem, under this fee bill, that Indiana might charge, under her retaliatory law, twenty dollars a year for the semi-annual statement, instead of ten dollars; five dollars a year for certificates of authority instead of four, and in addition one dollar for each certificate and seal, and ten cents per folio for all copies of papers.

I next come to your second inquiry, viz:

To whom do the fees belong when collected?

This question is not without difficulty, but I have reached a conclusion that I think is correct.

Section 3 of the act approved March 3, 1877, is a supplemental section to the original act, and must be construed with and as a part of the act of 1865.

It is well settled that in construing a doubtful statute, and for the purpose of arriving at the legislative intent, all acts on the same subject matter are to be taken together and examined in order to arrive at the true result. An amendatory act, and the act amended, are to be construed as one statute, and no portion of either is to be held inoperative, if it can be sustained without wresting words from their appropriate meaning. All acts in *pari materia* are to be taken together as if they were one law. Where there are different statutes in *pari materia*, though made at different times, or even expired and not referring to each other, they must be taken and considered together as one system and explanatory of each other. See *Sedgwick on the Construction of Statutory and Constitutional Law*, pages 209, 210. Thus construed, the law of Indiana, on the subject under consideration, would read thus:

“The Auditor of State shall charge and collect for the State of Indiana the sum of five dollars in each and every case for the examination of the statement and investigation of the evidence of investment, and two dollars for each certificate of authority issued under the provisions of this act, to be paid by the agent or agents applying for the same, and when, by the laws of any other state, any taxes, fines, penalties, licenses, fees, deposits of money or securities, or other obligations or prohibitions are imposed upon all

insurance companies of such state and their agents; and the Auditor of State shall, on the first Tuesday of April, June, September and December of each year, make to the Treasurer of State a sworn statement of the number of certificates issued under the provisions of this act, and of the entire receipts therefor, as well as the entire receipts under the statutory provisions of this act since his last report, and shall pay over to the Treasurer, to go into the general fund of the State, the entire amount of such receipts, less twenty-five per cent. thereon, which he may retain for his services in collecting the same."

When thus read together it would seem plain that the intention of the Legislature was that whatever fees were collected should belong to the State, subject to the deduction of twenty-five per cent. for the compensation of the Auditor of State for collecting them.

Some stress has been laid upon the words "for like purposes," but I think these words refer rather to the object or reason for imposing the burden than to the application of the moneys that may be collected by the provisions of the act. I do not think, therefore, that because another state might apply the moneys to the payment of fees, that therefore they must be applied to the same purpose in this State. It was rather saying, if New York requires a fee of ten dollars for the "purpose" of procuring a certificate of authority, we will charge the same fee "for a like purpose." But if the construction claimed be correct, still under none of the laws that I have examined do these insurance fees go to the officer, but are required to go into the state treasury, or to be applied to some other specific purpose, the officer having charge of the insurance department having a fixed salary.

In New York the superintendent of insurance receives an annual salary of seven thousand dollars, and "all fees and perquisites of every name and nature charged, received and collected by the insurance department, or any officer thereof, shall be immediately paid into the treasury."

I am therefore of the opinion that all moneys collected by the Auditor of State, on account of foreign insurance companies, belong to the State of Indiana, and should be paid into the treasury, less twenty-five per centum for the compensation of the auditor.

I have the honor to be,

Very respectfully,

T. W. WOOLLEN,  
Attorney General.

## EXHIBIT "C."

Statement of Auditor, including opinions of Messrs. Finch & Finch and F. M. Trissal and Attorney General Buskirk:

STATE OF INDIANA, OFFICE OF AUDITOR OF STATE,  
INSURANCE DEPARTMENT,  
INDIANAPOLIS, SEPTEMBER 4, 1877.

DEAR SIR: In answer to inquiries as to fees chargeable to insurance companies of other states doing business in Indiana, the Auditor of State would call attention of companies to the section of the law of Indiana, approved March 3, 1877, and to the opinion of Messrs. Finch & Finch and F. M. Trissal, and of the Attorney General of the State. Section 3 of act approved March 3, 1877, is as follows:

"Section 3. When by the law of any other state any taxes, fines, penalties, licenses, fees, deposits of money or securities or other obligations or prohibitions are imposed upon insurance companies of this or other states or their agents, greater than are required by the laws of this State, then the same obligations and prohibitions, of whatever kind, shall in like manner, for like purposes, be imposed upon all insurance companies of such states and their agents. All insurance companies of other nations, under this section, shall be held as of the state where they have elected to make their deposit and establish their principal agency in the United States."

OPINION OF FINCH & FINCH, AND F. M. TRISSAL.

*Hon. E. Henderson, Auditor of State of Indiana:*

DEAR SIR: We have your request for an opinion as to fees chargeable to insurance companies of New York doing business in Indiana, payable to the Auditor of State, and in answer would say: The Legislature at the Regular Session by the act approved March 3, 1877, (acts Regular Session, page 65), changed the fee previously chargeable only so far as section 3 (page 68), will apply. By this section the same fees are chargeable on companies of New York doing business in Indiana, as are chargeable in New York on companies of other States doing business there, where such fees are greater than the fees provided by the laws of Indiana.



These fees are as follows :

For filing declaration of the company or certified copy of charter .....	\$30 00
Filing annual statements.....	20 00
For each certificate of authority to agent of a fire insurance company, such sum as may be fixed by the superintendent of insurance, not exceeding.....	5 00
For each certificate of authority to agent of life insurance company .....	5 00
For every copy of paper in the office, per folio.....	10
For affixing seal of office to such paper.....	1 00

These fees are given in laws of New York (Hines' Insurance Statutes, pages 606, 651; sections 15 and 14'). By the law of Indiana you are required to perform services to which the above schedule of fees applies. (Sub. 14, section 1, Acts 1876-1877, pages 65-66.)

Respectfully,

FINCH & FINCH AND F. M. TRISSAL.

#### OPINION OF THE ATTORNEY GENERAL.

*Hon. E. Henderson, Auditor of State:*

SIR: I have the honor of acknowledging the receipt of your request for my opinion upon certain questions arising under the insurance act approved March 3, 1877, accompanied by the opinions upon the subject of Messrs. McDonald & Butler, and of Finch & Finch and F. M. Trissal, Esq. You request my opinion upon the question of the validity of the following section of said statute:

"Section 3. When, by the law of any other state, any taxes, fines, penalties, licenses, fees, deposits of money or securities, or other obligations or prohibitions are imposed upon insurance companies of this or any other state, or their agents, greater than are required by laws of this State, then the same obligations and prohibitions, of whatever kind, shall, in like manner, for like purposes, be imposed upon all insurance companies of such states and their agents. All insurance companies of other nations, under this section, shall be held as of the state where they have elected to make their deposit and establish their principal agency in the United States."

The revenue derived under the provisions of the foregoing section, after deducting a certain portion for the services of the Auditor of State, belong to the State of Indiana. I am disposed to regard the section as a valid one, unless the weight of reason and authority

clearly and strongly preponderates in the other direction. This is in conformity with the fundamental rule that courts will not hold an act of the legislative branch of the government unconstitutional and void, except the weight of reason and authority clearly and strongly preponderates in that direction. If the section in question be void it must be because of some provision to be found either in the constitution of the United States or in that of this State. It will be necessary, therefore, to examine the different provisions in those constitutions which can affect the question:

1. Is it void because obnoxious to section 2, article 4, of the constitution of the United States, which reads: "The citizens of each state shall be entitled to all privileges and immunity of citizens in the several states." The supreme court of the United States, in the *Liverpool insurance company vs. Massachusetts* (10 Wallace, 566,) says, referring to a previous decision of that court in *Paul vs. Virginia* (8 Wallace, 168):

"It was also held in that case that a corporation was not a citizen within the meaning of that clause of the constitution, which declares that the citizens of each state shall be entitled to the privileges and immunities of citizens in the several states, and that a corporation created by the state could exercise none of the functions or privileges conferred by its charter, in any other state of the Union, except by the comity and consent of the latter." (See also 13 Peters, 519).

The supreme court of this State in the *Farmers' and Merchants' Insurance Company vs. Hannah* (47 Ind. 236), adheres to the doctrines above laid down and declares it to be the law, that this State has the constitutional right to prescribe the terms on which corporations organized in other states of the Union may transact business in this State. In *Ducat vs. Chicago* (10 Wallace, 415), the United States Supreme Court uses the following language:

"The power of the State to discriminate between her own domestic corporations and those of other States desirous of transacting business within her jurisdiction, is clearly established in the case we have referred to, as it also had been in the previous case of *Augusta vs. Earle*." "As to the nature or degree of discrimination it belongs to the State to determine, subject only to such limitations on her sovereignty as may be found in the fundamental law of the Union."

2. Is said section 3 obnoxious to section 8, clause 3, act 1, of the constitution of the United States, which reads: "Congress shall have power to regulate commerce with foreign nations and among the several states." That it is not is clearly shown by the princi-

ples enunciated in *Sears and others vs. The Board of Commissioners, etc.* (36 Ind. 267), and the authorities therein cited.

3. Is said section 3 obnoxious to that portion of section 22, article 4, of the constitution of Indiana, which reads: "In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State." After careful consideration I am of the opinion that said section third of the insurance act is not obnoxious to said provisions in our state constitution. In the first place, I think it is clear by reading the above provision, together with the provisions of a similar nature which are of its context, that it was intended for the protection of the citizens of this State against, particularly, the evils of local and special legislation. I do not think there is good reasoning for so interpreting it as to limit the Legislature in enacting laws to increase its revenues by taxing foreign corporations which are not citizens of this State at all, and which can pursue their business in this State only through the comity of the State. (See the case above cited in 47 Ind. 236.) I refer also to the principles laid down in *Goesch vs. The State* (42 Ind. 560, *et seq.*) for determining what is and what is not local legislation, as distinguished from general legislation, in support of the proposition that said section third is not obnoxious to said provision.

4. Is said section 3 obnoxious to section 23, article 1, of the Constitution of Indiana, which reads: "The General Assembly shall not grant to any citizen or class of citizens privileges and immunities which, upon the same terms, shall not belong equally to all citizens." That foreign insurance corporations are not embraced in the term "citizen," used in said provision, is clearly shown in the case above cited in 36 Ind. 267. I have considered above the constitutional provisions, upon which I am informed that it has been argued that said section 3 is invalid.

As I have stated above, it is well established that the courts must have conclusive reasons for doing so before holding an act of the legislature void, from the respect due from one co-ordinate branch of the state government toward another. The same rule applies as to the respect due from the administrative department to an act of the legislature. This is especially the case where such act is for the purpose of increasing the revenues of the State. I think it clearly



your duty to carry out the provisions of said section 3, unless restrained by the courts.

Very respectfully, etc.,

C. A. BUSKIRK,

Attorney General of Indiana.

The opinion of Finch & Finch and Trissal was asked in the case of companies from New York, and is given for that State; but you will note that the law cited by them (given in full above) is general, and imposes upon the companies of each State doing business in Indiana the fees charged in such State to companies in other States.

The law of Indiana, given above, leaves no discretion in this department. The fees and charges of other States, when greater than the fees and charges of this State, are imposed here, but if the fees and charges of other States are less than those imposed here, then the fees and charges given in the law of Indiana are chargeable. The law is not reciprocal merely.

Very respectfully,

E. HENDERSON,

Auditor of State.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined enrolled bills Nos. 382, 14, 56, 122, 169, 280, 6, 30, 101, 268, 228, 135, 187, 14, 15, 55, 122, 231, 7, 303, 184, 60, 578, 379, 69, 9, 12, 24, and enrolled joint resolutions Nos. 21, 1, 2, 3, 4, 5, 6 and 9, and concurrent resolutions Nos. 23 and 25, and find them correctly enrolled.

Mr. Works, from the committee on enrolled bills, reported that they have presented to the Governor the following enrolled acts: Nos. 141, 7, 14, 15, 55, 122, 231, 195, 126, 56, 135, 340, 187, 9, 12 and 24.

Mr. Briggs moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell,

Drake, Drover, Edwins, English, Faneher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, VanValzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—88.

On motion of Mr. Briggs further proceedings under the call were dispensed with.

Mr. Humphreys introduced the following concurrent resolution :

*Resolved by the House of Representatives (the Senate concurring therein),* That the Speaker be and is hereby authorized to draw his warrants for the following amounts :

Charles Kendler .....	\$9 60
David B. Wilson.....	4 15
Frank B. Wilson.....	6 00
Frank Bird's Transfer Co.....	6 00
Gray & Beyschlag.....	22 15
H. Frank & Co.....	15 00
P. J. Roche.....	6 75
Total.....	<hr/> \$69 65

Which was adopted.

Mr. Faulkner offered the following concurrent resolution :

WHEREAS, The last day of the fifty-first session of the General Assembly of the State of Indiana having arrived ; therefore

*Resolved by the House of Representatives (the Senate concurring therein),* That the two houses adjourn at 5 o'clock P. M., this day, sine die.

Which was adopted.

Mr. Osborn, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred the resolution of Messrs. Herod and Dailey, in reference to the amount of compensation due to the member named in the resolution, beg leave to report as fol-

lows: They find by the express terms of the constitution the term of the office of representative begins the day next after the general election at which he is elected, and by the express language of the statute, approved March 15, 1875, which is now the law, each member of the General Assembly is entitled to six dollars per day while in actual service or unable to attend from sickness.

Your committee are, therefore, of the opinion that the member is entitled to his per diem for each day of the term if his absence was occasioned by sickness, and, notwithstanding the fact that he was not sworn as a member, he was and has been ever since the day after his election a member of the General Assembly, and might have been, by proclamation of the Governor, called upon at any time thereafter to serve as such.

Report concurred in.

The question being on concurring in the resolution of Mr. Herod, in reference to the pay of Mr. Fleming, Messrs. Shauck and Carter demanded the ayes and noes:

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carey, Compton, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Floder, Ginz, Gordon, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Schweitzer, Shanks, Shields, Shutt, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warlick, Thompson, Vawter, Watson, Wimmer and Mr. Speaker—68.

Those who voted in the negative were: Messrs. Arnold of Wabash, Carter, Confer, Connaway, Copeland, Faulkner, Galbraith, Garrouette, Golden, Huthsteiner, Lindley, Osborn of Vermillion, Shauck, Stucker, Thayer and Van Valzah—16.

The resolution was adopted.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in House concurrent resolution



No. 26, and has appointed thereunder the following committee : Senators Wilson, Hart and Benz. And the said resolution is herewith returned to the House.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed House Joint Resolution No. 22, with the following amendments:

Amend by inserting after the word discharge "and the said member shall remain individually liable for such debts."

Also, Senate concurrent resolution No. 24.

And the same are herewith submitted to the House for its action thereon.

Which was concurred in.

House Bill No. 651. Introduced by Mr. March, entitled "A bill for an act supplemental to section 352 of the act in relation to pleadings and practice, approved June 18, 1852."

Read the first time.

House Bill No. 652. Introduced by Mr. Nave by request, entitled "An act to amend sections 15, 19 and 22 of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers and declaring their duties, approved June 11; 1852, and to repeal all laws inconsistent therewith.

Read the first time.

House Bill No. 653. Introduced by Mr. Saint, entitled "An act defining the termini of pike, gravel, plank and other roads, within and relative to incorporated cities and towns in this State whereon toll is charged; prohibiting the charging of toll by said roads for travel over and upon any of the streets, alleys or lanes in incorporated cities or towns; prescribing the penalties for violating the provisions of this act, and declaring an emergency."

Read the first time.

House Bill No. 654. Introduced by Mr. Herod, entitled "A bill for an act to provide for the release and satisfaction of judgments against persons at the time of being adjudicated bankrupts, and from the payment of which they have been duly discharged by the district court of the United States, prescribing the duties of clerks of the state courts, regulating their fees and declaring an emergency."

Read the first time.

House Bill No. 655. Introduced by Mr. Herod, entitled "A bill for an act to amend section 447 of an act entitled an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed House joint resolution No. 22, with the following amendments:

*Resolved by the Senate (the House of Representatives concurring therein),* That the State Librarian be and is hereby authorized to sell the Revised Statutes which were furnished the members of the Senate at the present session at the best price he can obtain therefor.

Also, Senate concurrent resolution No. 24.

And the same are hereby submitted to the House for its action thereon.

Mr. Osborn of Elkhart offered the following amendment:

Strike out all after the word "Librarian" in line 8 and insert the following, viz: "Provided, that said Statutes shall not be sold at a less price than eight dollars per set and such as remain unsold shall be carefully kept by the Librarian and shall be subject to the order and disposition of the General Assembly at its next session, and it shall be the duty of the State Librarian to make a report to the next General Assembly upon the second day after its organization stating the amount received for the Statutes sold and the number remaining on hand subject to its order.

The Speaker submitted the following report:

HALL OF REPRESENTATIVES, MARCH 10, 1879.

*To the House of Representatives of the State of Indiana:*

In obedience to law, the undersigned submits a detailed report of the warrants drawn by him during the session, in favor of members, officers and employes, showing the number of warrants drawn, the amount of each warrant, and to whom payable; and also the aggregate amount of all warrants drawn in favor of each person, and the aggregate amount of all warrants drawn in favor of all persons.

HENRY S. CAUTHORN,

Speaker of the House of Representatives.

Aggregate amount of warrants drawn by the Speaker in favor of the members of the Fifty-first General Assembly of the State of Indiana, of the session of 1879, thirty-six thousand three hundred and six dollars (\$36,306) on account of per diem, and three thousand seven hundred and five dollars (\$3,705) on account of mileage. Total mileage and per diem, forty thousand and eleven dollars (\$40,011).

January	18.	A. J. Alden, per diem.....	\$60 00
January	23.	A. J. Alden, mileage.....	40 00
February	1.	A. J. Alden, per diem.....	84 00
February	15.	A. J. Alden, per diem.....	84 00
March	1.	A. J. Alden, per diem.....	84 00
March	10.	A. J. Alden, per diem.....	54 00

Total.....	\$406 00
------------	----------

January	18.	Russel Allen, per diem.....	\$60 00
January	23.	Russel Allen, mileage.....	16 00
February	1.	Russel Allen, per diem.....	84 00
February	15.	Russel Allen, per diem.....	84 00
March	1.	Russel Allen, per diem.....	84 00
March	10.	Russel Allen, per diem.....	54 00

Total .....	\$382 00
-------------	----------

January	18.	Jesse Arnold, per diem .....	\$60 00
January	23.	Jesse Arnold, mileage.....	42 00
February	1.	Jesse Arnold, per diem .....	84 00
February	15.	Jesse Arnold, per diem .....	84 00
March	1.	Jesse Arnold, per diem .....	84 00
March	18.	Jesse Arnold, per diem .....	54 00

Total.....	\$408 00
------------	----------

January	18.	J. T. Arnold, per diem.....	\$60 00
January	23.	J. T. Arnold, mileage .....	32 00
February	1.	J. T. Arnold, per diem.....	84 00
February	15.	J. T. Arnold, per diem.....	84 00
March	1.	J. T. Arnold, per diem.....	84 00
March	10.	J. T. Arnold, per diem.....	54 00

Total.....	\$398 00
------------	----------



January	18.	J. D. Barker, per diem .....	\$60 00
January	23.	J. D. Barker, mileage .....	66 00
February	1.	J. D. Barker, per diem .....	84 00
February	15.	J. D. Barker, per diem .....	84 00
March	1.	J. D. Barker, per diem .....	84 00
March	10.	J. D. Barker, per diem .....	54 00

Total ..... \$432 00

January	18.	C. L. Baker, per diem.....	\$60 00
January	23.	C. L. Baker, mileage.....	29 00
February	1.	C. L. Baker, per diem.....	84 00
February	15.	C. L. Baker, per diem.....	84 00
March	1.	C. L. Baker, per diem.....	84 00
March	10.	C. L. Baker, per diem.....	54 00

Total..... \$395 00

January	18.	A. C. Bearss, per diem.....	\$60 00
January	23.	A. C. Bearss, mileage.....	30 00
February	1.	A. C. Bearss, per diem.....	84 00
February	15.	A. C. Bearss, per diem.....	84 00
March	1.	A. C. Bearss, per diem.....	84 00
March	10.	A. C. Bearss, per diem.....	54 00

Total..... \$396 00

January	18.	Russel Blockley, per diem.....	\$60 00
January	23.	Russel Blockley, mileage.....	85 00
February	1.	Russel Blockley, per diem.....	84 00
February	15.	Russel Blockley, per diem.....	84 00
March	1.	Russel Blockley, per diem.....	84 00
March	10.	Russel Blockley, per diem.....	54 00

Total..... \$451 00

January	18.	John C. Briggs, per diem .....	\$60 00
January	23.	John C. Briggs, mileage.....	40 00
February	1.	John C. Briggs, per diem.....	84 00
February	15.	John C. Briggs, per diem.....	84 00
March	1.	John C. Briggs, per diem.....	84 00
March	10.	John C. Briggs, per diem.....	54 00

Total..... \$406 00

January	18.	George H. Brown, per diem.....	\$60 00
January	23.	George H. Brown, mileage.....	45 00
February	1.	George H. Brown, per diem.....	84 00
February	15.	George H. Brown, per diem.....	84 00
March	1.	George H. Brown, per diem.....	84 00
March	10.	George H. Brown, per diem.....	54 00

Total..... \$411 00

January	18.	E. Brown, per diem .....	\$60 00
January	23.	E. Brown, mileage.....	71 00
February	1.	E. Brown, per diem.....	84 00
February	15.	E. Brown, per diem.....	84 00
March	1.	E. Brown, per diem.....	84 00
March	10.	E. Brown, per diem.....	54 00

Total..... \$437 00

January	18.	J. H. Bryant, per diem.....	\$60 00
January	23.	J. H. Bryant, mileage.....	100 00
February	1.	J. H. Bryant, per diem.....	84 00
February	15.	J. H. Bryant, per diem.....	84 00
March	1.	J. H. Bryant, per diem.....	84 00
March	10.	J. H. Bryant, per diem.....	54 00

Total..... \$466 00

January	18.	F. D. Caldwell, per diem.....	\$60 00
January	23.	F. D. Caldwell, mileage.....	23 00
February	1.	F. D. Caldwell, per diem.....	84 00
February	15.	F. D. Caldwell, per diem.....	84 00
March	1.	F. D. Caldwell, per diem.....	84 00
March	10.	F. D. Caldwell, per diem.....	54 00

Total..... \$389 00

January	18.	B. F. Campbell, per diem.....	\$60 00
January	23.	B. F. Campbell, mileage.....	27 00
February	1.	B. F. Campbell, per diem.....	84 00
February	15.	B. F. Campbell, per diem.....	84 00
March	1.	B. F. Campbell, per diem.....	84 00
March	10.	B. F. Campbell, per diem.....	54 00

Total..... \$393 00

January	18.	O. H. P. Carey, per diem.....	\$60 00
January	23.	O. H. P. Carey, mileage.....	30 00
February	1.	O. H. P. Carey, per diem.....	84 00
February	15.	O. H. P. Carey, per diem.....	84 00
March	1.	O. H. P. Carey, per diem.....	84 00
March	10.	O. H. P. Carey, per diem.....	54 00

Total..... \$396 00

January	18.	William B. Carter, per diem.....	\$60 00
January	23.	William B. Carter, mileage.....	44 00
February	1.	William B. Carter, per diem.....	84 00
February	15.	William B. Carter, per diem.....	84 00
March	1.	William B. Carter, per diem.....	84 00
March	10.	William B. Carter, per diem.....	54 00

Total ..... \$410 00

January	18.	Isaac M. Compton, per diem .....	\$60 00
January	23.	Isaac M. Compton, mileage.....	22 00
February	1.	Isaac M. Compton, per diem .....	84 00
February	15.	Isaac M. Compton, per diem.....	84 00
March	1.	Isaac M. Compton, per diem.....	84 00
March	10.	Isaac M. Compton, per diem.....	54 00

Total..... \$388 00

January	18.	Henry S. Cauthorn, per diem.....	\$60 00
January	23.	Henry S. Cauthorn, mileage.....	46 00
February	1.	Henry S. Cauthorn, per diem.....	84 00
February	15.	Henry S. Cauthorn, per diem.....	84 00
March	1.	Henry S. Cauthorn, per diem.....	84 00
March	10.	Henry S. Cauthorn, per diem.....	54 00

Total..... \$412 00

January	18.	J. M. Confer, per diem.....	\$60 00
January	23.	J. M. Confer, mileage.....	47 00
February	1.	J. M. Confer, per diem.....	84 00
February	15.	J. M. Confer, per diem.....	84 00
March	1.	J. M. Confer, per diem.....	84 00
March	10.	J. M. Confer, per diem.....	54 00

Total ..... \$413 00



January	18.	J. W. Connaway, per diem.....	\$60 00
January	23.	J. W. Connaway, mileage.....	28 00
February	1.	J. W. Connaway, per diem.....	84 00
February	15.	J. W. Connaway, per diem.....	84 00
March	1.	J. W. Connaway, per diem.....	84 00
March	10.	J. W. Connaway, per diem.....	54 00

Total..... \$394 00

January	18.	J. B. Connor, per diem.....	\$60 00
February	1.	J. B. Connor, per diem.....	84 00
February	15.	J. B. Connor, per diem.....	84 00
March	1.	J. B. Connor, per diem.....	84 00
March	10.	J. B. Connor, per diem.....	54 00

Total..... \$356 00

January	18.	A. C. Copeland, per diem.....	\$60 00
January	23.	A. C. Copeland, mileage.....	39 00
February	1.	A. C. Copeland, per diem.....	84 00
February	15.	A. C. Copeland, per diem.....	84 00
March	1.	A. C. Copeland, per diem.....	84 00
March	10.	A. C. Copeland, per diem.....	54 00

Total..... \$405 00

January	18.	D. A. Cunningham, per diem....	\$60 00
January	23.	D. A. Cunningham, mileage.....	60 00
February	1.	D. A. Cunningham, per diem....	84 00
February	15.	D. A. Cunningham, per diem....	84 00
March	1.	D. A. Cunningham, per diem....	84 00
March	10.	D. A. Cunningham, per diem....	54 00

Total..... \$426 00

January	18.	Joseph S. Dailey, per diem.....	\$60 00
January	23.	Joseph S. Dailey, mileage.....	33 00
February	1.	Joseph S. Dailey, per diem.....	84 00
February	15.	Joseph S. Dailey, per diem.....	84 00
March	1.	Joseph S. Dailey, per diem.....	84 00
March	10.	Joseph S. Dailey, per diem.....	54 00

Total..... \$404 00

January	18.	L. Dalton, per diem.....	\$60 00
January	23.	L. Dalton, mileage.....	32 00
February	1.	L. Dalton, per diem.....	84 00
February	15.	L. Dalton, per diem.....	84 00
March	1.	L. Dalton, per diem.....	84 00
March	10.	L. Dalton, per diem.....	54 00

Total..... \$398 00

January	18.	Jasper Davidson, per diem.....	\$60 00
January	23.	Jasper Davidson, mileage.....	62 00
February	1.	Jasper Davidson, per diem.....	84 00
February	15.	Jasper Davidson, per diem.....	84 00
March	1.	Jasper Davidson, per diem.....	84 00
March	10.	Jasper Davidson, per diem.....	54 00

Total..... \$428 00

January	18.	Joseph Davis, per diem.....	\$60 00
January	23.	Joseph Davis, mileage.....	14 00
February	1.	Joseph Davis, per diem.....	84 00
February	15.	Joseph Davis, per diem.....	84 00
March	1.	Joseph Davis, per diem.....	84 00
March	10.	Joseph Davis, per diem.....	54 00

Total..... \$380 00

January	18.	J. S. Donnell, per diem.....	\$60 00
January	23.	J. S. Donnell, mileage.....	21 00
February	1.	J. S. Donnell, per diem.....	84 00
February	15.	J. S. Donnell, per diem.....	84 00
March	1.	J. S. Donnell, per diem.....	84 00
March	10.	J. S. Donnell, per diem.....	54 00

Total..... \$387 00

January	18.	I. H. Drake, per diem.....	\$60 00
January	23.	I. H. Drake, mileage.....	40 00
February	1.	I. H. Drake, per diem.....	84 00
February	15.	I. H. Drake, per diem.....	84 00
March	1.	I. H. Drake, per diem.....	84 00
March	10.	I. H. Drake, per diem.....	54 00

Total..... \$406 00

January	18.	Henry Drover, per diem.....	\$60 00
January	23.	Henry Drover, mileage.....	43 00
February	1.	Henry Drover, per diem.....	84 00
February	15.	Henry Drover, per diem.....	84 00
March	1.	Henry Drover, per diem.....	84 00
March	10.	Henry Drover, per diem.....	54 00

Total ..... \$409 00

January	18.	Stanley W. Edwins, per diem....	\$60 00
January	23.	Stanley W. Edwins, mileage.....	22 00
February	1.	Stanley W. Edwins, per diem....	84 00
February	15.	Stanley W. Edwins, per diem....	84 00
March	1.	Stanley W. Edwins, per diem....	84 00
March	10.	Stanley W. Edwins, per diem....	54 00

Total..... \$388 00

January	18.	W. E. English, per diem.....	\$60 00
February	1.	W. E. English, per diem.....	84 00
February	15.	W. E. English, per diem.....	84 00
March	1.	W. E. English, per diem.....	84 00
March	10.	W. E. English, per diem.....	54 00

Total..... \$366 00

January	18.	Thaddeus Fancher, per diem.....	\$60 00
January	23.	Thaddeus Fancher, mileage.....	70 00
February	1.	Thaddeus Fancher, per diem.....	84 00
February	15.	Thaddeus Fancher, per diem.....	84 00
March	1.	Thaddeus Fancher, per diem.....	84 00
March	10.	Thaddeus Fancher, per diem.....	54 00

Total ..... \$436 00

January	18.	C. R. Faulkner, per diem .....	\$60 00
January	23.	C. R. Faulkner, mileage.....	32 00
February	1.	C. R. Faulkner, per diem .....	84 00
February	15.	C. R. Faulkner, per diem.....	84 00
March	1.	C. R. Faulkner, per diem .....	84 00
March	10.	C. R. Faulkner, per diem.....	54 00

Total..... \$398 00



January	18.	B. H. Flodder, per diem.....	\$60 00
January	23.	B. H. Flodder, mileage.....	40 00
February	1.	B. H. Flodder, per diem.....	84 00
February	15.	B. H. Flodder, per diem.....	84 00
March	1.	B. H. Flodder, per diem.....	84 00
March	10.	B. H. Flodder, per diem.....	54 00

Total..... \$406 00

March	10.	O. E. Fleming, per diem.....	\$294 00
March	10.	O. E. Fleming, per diem.....	72 00
March	10.	O. E. Fleming, mileage.....	50 00

Total..... \$416 00

January	18.	A. D. Galbraith, per diem.....	\$60 00
January	23.	A. D. Galbraith, mileage.....	18 00
February	1.	A. D. Galbraith, per diem.....	84 00
February	15.	A. D. Galbraith, per diem.....	84 00
March	1.	A. D. Galbraith, per diem.....	84 00
March	10.	A. D. Galbraith, per diem.....	54 00

Total..... \$384 00

January	18.	T. J. Garrouette, per diem .....	\$60 00
January	23.	T. J. Garrouette, mileage.....	65 00
February	1.	T. J. Garrouette, per diem .....	84 00
February	15.	T. J. Garrouette, per diem .....	84 00
March	1.	T. J. Garrouette, per diem .....	84 00
March	10.	T. J. Garrouette, per diem .....	54 00

Total..... \$431 00

January	18.	Henry Ginz, per diem.....	\$60 00
January	23.	Henry Ginz, mileage.....	71 00
February	1.	Henry Ginz, per diem.....	84 00
February	15.	Henry Ginz, per diem.....	84 00
March	1.	Henry Ginz, per diem.....	84 00
March	10.	Henry Ginz, per diem.....	54 00

Total..... \$437 00

January	18.	J. M. Golden, per diem.....	\$60 00
January	23.	J. M. Golden, mileage.....	36 00
February	1.	J. M. Golden, per diem.....	84 00
February	15.	J. M. Golden, per diem.....	84 00
March	1.	J. M. Golden, per diem .....	84 00
March	10.	J. M. Golden, per diem .....	54 00

Total..... \$402 00

January	18.	J. W. Gordon, per diem.....	\$60 00
February	1.	J. W. Gordon, per diem .....	84 00
February	15.	J. W. Gordon, per diem.....	84 00
March	1.	J. W. Gordon, per diem.....	84 00
March	10.	J. W. Gordon, per diem.....	54 00

Total..... \$366 00

January	18.	A. C. Handy, per diem .....	\$60 00
January	23.	A. C. Handy, mileage.....	9 00
February	1.	A. C. Handy, per diem .....	84 00
February	15.	A. C. Handy, per diem .....	84 00
March	1.	A. C. Handy, per diem.....	84 00
March	10.	A. C. Handy, per diem .....	54 00

Total..... \$375 00

January	18.	Nathan Harland, per diem.....	\$60 00
January	23.	Nathan Harland, mileage .....	30 00
February	1.	Nathan Harland, per diem .....	84 00
February	15.	Nathan Harland, per diem.....	84 00
March	1.	Nathan Harland, per diem.....	84 00
March	10.	Nathan Harland, per diem.....	54 00

Total ..... \$396 00

January	18.	Thomas Hart, per diem.....	\$60 00
January	23.	Thomas Hart, mileage.....	56 00
February	1.	Thomas Hart, per diem.....	84 00
February	15.	Thomas Hart, per diem .....	84 00
March	1.	Thomas Hart, per diem .....	84 00
March	10.	Thomas Hart, per diem .....	54 00

Total ..... \$422 00

January	18.	W. W. Herod, per diem.....	\$60 00
February	1.	W. W. Herod, per diem .....	84 00
February	15.	W. W. Herod, per diem .....	84 00
March	1.	W. W. Herod, per diem.....	84 00
March	10.	W. W. Herod, per diem.....	54 00

Total..... \$366 00

January	18.	Alex. Hess, per diem.....	\$60 00
January	23.	Alex. Hess, mileage.....	36 00
February	1.	Alex. Hess, per diem.....	84 00
February	15.	Alex. Hess, per diem.....	84 00
March	1.	Alex. Hess, per diem.....	84 00
March	10.	Alex. Hess, per diem .....	54 00

Total..... \$402 00

January	18.	S. J. Hopkins, per diem.....	\$60 00
January	23.	S. J. Hopkins, mileage.....	74 00
February	1.	S. J. Hopkins, per diem.....	84 00
February	15.	S. J. Hopkins, per diem .....	84 00
March	1.	S. J. Hopkins, per diem.....	84 00
March	10.	S. J. Hopkins, per diem.....	54 00

Total..... \$440 00

January	18.	Jackson Hosmer, per diem.....	\$60 00
January	23.	Jackson Hosmer, mileage.....	60 00
February	1.	Jackson Hosmer, per diem.....	84 00
February	15.	Jackson Hosmer, per diem.....	84 00
March	1.	Jackson Hosmer, per diem.....	84 00
March	10.	Jackson Hosmer, per diem.....	54 00

Total..... \$430 00

January	18.	Charles Hubbard, per diem.....	\$60 00
January	23.	Charles Hubbard, mileage.....	14 00
February	1.	Charles Hubbard, per diem.....	84 00
February	15.	Charles Hubbard, per diem.....	84 00
March	1.	Charles Hubbard, per diem.....	84 00
March	10.	Charles Hubbard, per diem.....	54 00

Total..... \$480 00



January	18.	A. Humphreys, per diem.....	\$60 00
January	23.	A. Humphreys, mileage.....	36 00
February	1.	A. Humphreys, per diem.....	84 00
February	15.	A. Humphreys, per diem.....	84 00
March	1.	A. Humphreys, per diem.....	84 00
March	10.	A. Humphreys, per diem.....	54 00

Total ..... \$402 00

January	18.	G. Huthsteiner, per diem.....	\$60 00
January	23.	G. Huthsteiner, mileage.....	99 00
February	1.	G. Huthsteiner, per diem.....	84 00
February	15.	G. Huthsteiner, per diem.....	84 00
March	1.	G. Huthsteiner, per diem.....	84 00
March	10.	G. Huthsteiner, per diem.....	54 00

Total ..... \$465 00

January	18.	A. Johnston, per diem.....	\$60 00
January	23.	A. Johnston, mileage .....	20 00
February	1.	A. Johnston, per diem.....	84 00
February	15.	A. Johnston, per diem .....	84 00
March	1.	A. Johnston, per diem.....	84 00
March	10.	A. Johnston, per diem.....	54 00

Total..... \$386 00

January	18.	R. Kelly, per diem.....	\$60 00
January	23.	R. Kelly, mileage.....	40 00
February	1.	R. Kelly, per diem.....	84 00
February	15.	R. Kelly, per diem.....	84 00
March	1.	R. Kelly, per diem.....	84 00
March	10.	R. Kelly, per diem.....	54 00

Total..... \$406 00

January	18.	I. N. Kester, per diem.....	\$60 00
January	23.	I. N. Kester, mileage .....	33 00
February	1.	I. N. Kester, per diem .....	84 00
February	15.	I. N. Kester, per diem.....	84 00
March	1.	I. N. Kester, per diem.....	84 00
March	10.	I. N. Kester, per diem.....	54 00

Total ..... \$399 00

January	18.	T. M. Kirkpatrick, per diem.....	\$60 00
January	23.	T. M. Kirkpatrick, mileage.....	22 00
February	1.	T. M. Kirkpatrick, per diem.....	84 00
February	15.	T. M. Kirkpatrick, per diem.....	84 00
March	1.	T. M. Kirkpatrick, per diem.....	84 00
March	10.	T. M. Kirkpatrick, per diem.....	54 00
Total .....			<u>\$388 00</u>

January	18.	Charles O. Lehman, per diem.....	\$60 00
January	23.	Charles O. Lehman, mileage.....	12 00
February	1.	Charles O. Lehman, per diem.....	84 00
February	15.	Charles O. Lehman, per diem.....	84 00
March	1.	Charles O. Lehman, per diem.....	84 00
March	10.	Charles O. Lehman, per diem.....	54 00
Total.....			<u>\$378 00</u>

January	18.	T. J. Lindley, per diem.....	\$60 00
January	23.	T. J. Lindley, mileage.....	12 00
February	1.	T. J. Lindley, per diem.....	84 00
February	15.	T. J. Lindley, per diem.....	84 00
March	1.	T. J. Lindley, per diem.....	84 00
March	10.	T. J. Lindley, per diem.....	54 00
Total.....			<u>\$378 00</u>

January	18.	N. J. Major, per diem.....	\$60 00
January	23.	N. J. Major, mileage.....	10 00
February	1.	N. J. Major, per diem.....	84 00
February	15.	N. J. Major, per diem.....	84 00
March	1.	N. J. Major, per diem.....	84 00
March	10.	N. J. Major, per diem.....	54 00
Total.....			<u>\$376 00</u>

January	18.	Walter March, per diem.....	\$60 00
January	23.	Walter March, mileage.....	21 00
February	1.	Walter March, per diem.....	84 00
February	15.	Walter March, per diem.....	84 00
March	1.	Walter March, per diem.....	84 00
March	10.	Walter March, per diem.....	54 00
Total .....			<u>\$387 00</u>

January	18.	J. W. Messick, per diem.....	\$60 00
January	23.	J. W. Messick, mileage.....	78 00
February	1.	J. W. Messick, per diem.....	84 00
February	15.	J. W. Messick, per diem.....	84 00
March	1.	J. W. Mesick, per diem .....	84 00
March	10.	J. W. Messick, per diem.....	54 <sup>00</sup>

Total.....	\$444 00
------------	----------

January	18.	R. W. Miers, per diem.....	\$60 00
January	23.	R. W. Miers, mileage.....	32 00
February	1.	R. W. Miers, per diem.....	84 00
February	15.	R. W. Miers, per diem.....	84 00
March	1.	R. W. Miers, per diem.....	84 00
March	15.	R. W. Miers, per diem.....	54 <sup>00</sup>

Total .....	\$398 00
-------------	----------

January	18.	S. H. Mitchell, per diem.....	\$60 00
January	23.	S. H. Mitchell, mileage.....	60 00
February	1.	S. H. Mitchell, per diem.....	84 00
February	15.	S. H. Mitchell, per diem .....	84 00
March	1.	S. H. Mitchell, per diem.....	84 00
March	10.	S. H. Mitchell, per diem .....	54 00

Total .....	\$426 00
-------------	----------

January	18.	J. Shannon Nave, per diem.....	\$60 00
January	23.	J. Shannon Nave, mileage .....	34 00
February	1.	J. Shannon Nave, per diem .....	84 00
February	15.	J. Shannon Nave, per diem .....	84 00
March	1.	J. Shannon Nave, per diem .....	84 00
March	10.	J. Shannon Nave, per diem .....	54 00

Total.....	\$400 00
------------	----------

January	18.	J. D. Osborn, per diem.....	\$60 00
January	23.	J. D. Osborn, mileage .....	50 00
February	1.	J. D. Osborn, per diem .....	84 00
February	15.	J. D. Osborn, per diem .....	84 00
March	1.	J. D. Osborn, per diem .....	84 00
March	10.	J. D. Osborn, per diem .....	54 00

Total .....	\$416 00
-------------	----------



January	18.	James Osborn, per diem.....	\$60 00
January	23.	James Osborn, mileage .....	35 00
February	1.	James Osborn, per diem.....	84 00
February	15.	James Osborn, per diem.....	84 00
March	1.	James Osborn, per diem.....	84 00
March	10.	James Osborn, per diem.....	54 00
Total.....			<u>\$401 00</u>

January	18.	John Overmyer, per diem.....	\$60 00
January	23.	John Overmyer, mileage .....	26 00
February	1.	John Overmyer, per diem.....	84 00
February	15.	John Overmyer, per diem.....	84 00
March	1.	John Overmyer, per diem .....	84 00
March	10.	John Overmyer, per diem .....	54 00
Total .....			<u>\$392 00</u>

January	18.	A. R. Owen, per diem.....	\$60 00
January	23.	A. R. Owen, mileage .....	36 00
February	1.	A. R. Owen, per diem .....	84 00
February	15.	A. R. Owen, per diem.....	84 00
March	1.	A. R. Owen, per diem.....	84 00
March	10.	A. R. Owen, per diem .....	54 00
Total .....			<u>\$402 00</u>

January	18.	William Perry, per diem.....	\$60 00
January	23.	William Perry, mileage.....	52 00
February	1.	William Perry, per diem.....	84 00
February	15.	William Perry, per diem.....	84 00
March	1.	William Perry, per diem.....	84 00
March	10.	William Perry, per diem.....	54 00
Total .....			<u>\$418 00</u>

January	18.	G. I. Reed, per diem .....	\$60 00
January	23.	G. I. Reed, mileage .....	30 00
February	1.	G. I. Reed, per diem .....	84 00
February	15.	G. I. Reed, per diem .....	84 00
March	1.	G. I. Reed, per diem.....	84 00
March	10.	G. I. Reed, per diem .....	54 00
Total .....			<u>\$396 00</u>

January	18.	E. Reicheldefer, per diem.....	\$60 00
January	23.	E. Reicheldefer, mileage .....	55 00
February	1.	E. Reicheldefer, per diem.....	84 00
February	15.	E. Reicheldefer, per diem.....	84 00
March	1.	E. Reicheldefer, per diem.....	84 00
March	10.	E. Reicheldefer, per diem.....	54 00
Total .....			<u>\$421 00</u>

January	18.	E. Robeson, per diem.....	\$60 00
January	23.	E. Robeson, mileage .....	28 00
February	1.	E. Robeson, per diem.....	84 00
February	15.	E. Robeson, per diem.....	84 00
March	1.	E. Robeson, per diem.....	84 00
March	10.	E. Robeson, per diem.....	54 00
Total .....			<u>\$394 00</u>

January	18.	J. M. Rodman, per diem.....	\$60 00
January	23.	J. M. Rodman, mileage.....	40 00
February	1.	J. M. Rodman, per diem .....	84 00
February	15.	J. M. Rodman, per diem.....	84 00
March	1.	J. M. Rodman, per diem .....	84 00
March	10.	J. M. Rodman, per diem .....	54 00
Total .....			<u>\$406 00</u>

January	18.	C. B. Robinson, per diem.....	\$60 00
February	1.	C. B. Robinson, per diem .....	84 00
February	15.	C. B. Robinson, per diem .....	84 00
March	1.	C. B. Robinson, per diem.....	84 00
March	10.	C. B. Robinson, per diem .....	54 00
Total.....			<u>\$366 00</u>

January	18.	W. W. Rooker, per diem .....	\$60 00
January	23.	W. W. Rooker, mileage.....	5 00
February	1.	W. W. Rooker, per diem.....	84 00
February	15.	W. W. Rooker, per diem.....	84 00
March	1.	W. W. Rooker, per diem.....	84 00
March	10.	W. W. Rooker, per diem.....	54 00
Total .....			<u>\$371 00</u>

January	18.	Exum Saint, per diem.....	\$60 00
January	23.	Exum Saint, mileage.....	16 00
February	1.	Exum Saint, per diem.....	84 00
February	15.	Exum Saint, per diem.....	84 00
March	1.	Exum Saint, per diem.....	84 00
March	10.	Exum Saint, per diem.....	54 00

Total ..... \$380 00

January	18.	C. Scholl, per diem.....	\$60 00
January	23.	C. Scholl, mileage.....	32 00
February	1.	C. Scholl, per diem.....	84 00
February	15.	C. Scholl, per diem.....	84 00
March	1.	C. Scholl, per diem.....	84 00
March	10.	C. Scholl, per diem.....	54 00

Total ..... \$398 00

January	18.	B. Schweitzer, per diem.....	\$60 00
January	23.	B. Schweitzer, mileage.....	21 00
February	1.	B. Schweitzer, per diem.....	84 00
February	15.	B. Schweitzer, per diem.....	84 00
March	1.	B. Schweitzer, per diem.....	84 00
March	10.	B. Schweitzer, per diem.....	54 00

Total ..... \$387 00

January	18.	J. P. C. Shanks, per diem.....	\$60 00
January	23.	J. P. C. Shanks, mileage.....	36 00
February	1.	J. P. C. Shanks, per diem.....	84 00
February	15.	J. P. C. Shanks, per diem.....	84 00
March	1.	J. P. C. Shanks, per diem.....	84 00
March	10.	J. P. C. Shanks, per diem.....	54 00

Total ..... \$402 00

January	18.	J. H. Shauck, per diem.....	\$60 00
January	23.	J. H. Shauck, mileage.....	60 00
February	1.	J. H. Shauck, per diem.....	84 00
February	15.	J. H. Shauck, per diem.....	84 00
March	1.	J. H. Shauck, per diem.....	84 00
March	10.	J. H. Shauck, per diem.....	54 00

Total..... \$426 00



January	18.	J. T. Shields, per diem.....	\$60 00
January	23.	J. T. Shields, mileage.....	24 00
February	1.	J. T. Shields, per diem.....	84 00
February	15.	J. T. Shields, per diem.....	84 00
March	1.	J. T. Shields, per diem.....	84 00
March	10.	J. T. Shields, per diem.....	54 00
Total .....			<u>\$390 00</u>

January	18.	S. S. Shutt, per diem .....	\$60 00
January	23.	S. S. Shutt, mileage .....	60 00
February	1.	S. S. Shutt, per diem .....	84 00
February	15.	S. S. Shutt, per diem .....	84 00
March	1.	S. S. Shutt, per diem .....	84 00
March	10.	S. S. Shutt, per diem .....	54 00
Total .....			<u>\$426 00</u>

January	18.	S. S. Skinner, per diem.....	\$60 00
January	23.	S. S. Skinner, mileage.....	63 00
February	1.	S. S. Skinner, per diem .....	84 00
February	15.	S. S. Skinner, per diem .....	84 00
March	1.	S. S. Skinner, per diem .....	84 00
March	10.	S. S. Skinner, per diem .....	54 00
Total .....			<u>\$429 00</u>

January	18.	George B. Sleeth, per diem.....	\$60 00
January	23.	George B. Sleeth, mileage.....	16 00
February	1.	George B. Sleeth, per diem .....	84 00
February	15.	George B. Sleeth, per diem.....	84 00
March	1.	George B. Sleeth, per diem.....	84 00
March	10.	George B. Sleeth, per diem.....	54 00
Total.....			<u>\$382 00</u>

January	18.	G. W. Snoddy, per diem.....	\$60 00
January	23.	G. W. Snoddy, mileage.....	13 00
February	1.	G. W. Snoddy, per diem.....	84 00
February	15.	G. W. Snoddy, per diem.....	84 00
March	1.	G. W. Snoddy, per diem.....	84 00
March	10.	G. W. Snoddy, per diem.....	54 00
Total.....			<u>\$379 00</u>

January	18.	E. H. Stevens, per diem .....	\$60 00
January	23.	E. H. Stevens, mileage .....	50 00
February	1.	E. H. Stevens, per diem ... ..	84 00
February	15.	E. H. Stevens, per diem .....	84 00
March	1.	E. H. Stevens, per diem .....	84 00
March	10.	E. H. Stevens, per diem .....	54 00
Total .....			<u>\$416 00</u>

January	18.	James F. Stucker, per diem .....	\$60 00
January	23.	James F. Stucker, mileage .....	54 00
February	1.	James F. Stucker, per diem .....	84 00
February	15.	James F. Stucker, per diem .....	84 00
March	1.	James F. Stucker, per diem .....	84 00
March	10.	James F. Stucker, per diem .....	54 00
Total.....			<u>\$420 00</u>

January	18.	S. H. Taylor, per diem .....	\$60 00
January	23.	S. H. Taylor, mileage .....	57 00
February	1.	S. H. Taylor, per diem .....	84 00
February	15.	S. H. Taylor, per diem .....	84 00
March	1.	S. H. Taylor, per diem .....	84 00
March	10.	S. H. Taylor, per diem .....	54 00
Total .....			<u>\$423 00</u>

January	18.	J. L. Taylor, per diem .....	\$60 00
January	23.	J. L. Taylor, mileage.....	86 00
February	1.	J. L. Taylor, per diem .....	84 00
February	15.	J. L. Taylor, per diem .....	84 00
March	1.	J. L. Taylor, per diem .....	84 00
March	10.	J. L. Taylor, per diem .....	54 00
Total.....			<u>\$452 00</u>

January	18.	O. B. Taylor, per diem .....	\$60 00
January	23.	O. B. Taylor, mileage .....	69 00
February	1.	O. B. Taylor, per diem .....	84 00
February	15.	O. B. Taylor, per diem .....	84 00
March	1.	O. B. Taylor, per diem .....	84 00
March	10.	O. B. Taylor, per diem .....	54 00

Total..... \$435 00

January	18.	J. D. Thayer, per diem .....	\$60 00
January	23.	J. D. Thayer, mileage .....	50 00
February	1.	J. D. Thayer, per diem .....	84 00
February	15.	J. D. Thayer, per diem .....	84 00
March	1.	J. D. Thayer, per diem .....	84 00
March	10.	J. D. Thayer, per diem .....	54 00

Total ..... \$416 00

January	18.	Maurice Thompson, per diem....	\$60 00
January	23.	Maurice Thompson, mileage.....	18 00
January	25.	Maurice Thompson, per diem....	42 00
February	1.	Maurice Thompson, per diem....	42 00
February	15.	Maurice Thompson, per diem....	84 00
March	1.	Maurice Thompson, per diem....	84 00
March	10.	Maurice Thompson, per diem....	54 00

Total ..... \$384 00

January	18.	J. H. Thornburg, per diem.....	\$60 00
January	23.	J. H. Thornburg, mileage.....	27 00
February	1.	J. H. Thornburg, per diem.....	84 00
February	15.	J. H. Thornburg, per diem.....	84 00
March	1.	J. H. Thornburg, per diem.....	84 00
March	10.	J. H. Thornburg, per diem.....	54 00

Total ..... \$393 00

January	18.	C. B. Tulley, per diem.....	\$60 00
January	23.	C. B. Tulley, mileage.....	64 00
February	1.	C. B. Tulley, per diem.....	84 00
February	15.	C. B. Tulley, per diem.....	84 00
March	1.	C. B. Tulley, per diem.....	84 00
March	10.	C. B. Tulley, per diem.....	54 00

Total ..... \$430 00



January	18.	S. L. Vanpelt, per diem.....	\$60 00
January	23.	S. L. Vanpelt, mileage.....	10 00
February	1.	S. L. Vanpelt, per diem.....	84 00
February	15.	S. L. Vanpelt, per diem.....	84 00
March	1.	S. L. Vanpelt, per diem.....	84 00
March	10.	S. L. Vanpelt, per diem.....	54 00

Total ..... \$376 00

January	18.	R. VanValzah, per diem.....	\$60 00
January	23.	R. VanValzah, mileage.....	29 00
February	1.	R. VanValzah, per diem.....	84 00
February	15.	R. VanValzah, per diem.....	84 00
March	1.	R. VanValzah, per diem.....	84 00
March	10.	R. VanValzah, per diem.....	54 00

Total ..... \$395 00

January	18.	Smith Vawter, per diem.....	\$60 00
January	23.	Smith Vawter, mileage.....	26 00
February	1.	Smith Vawter, per diem .....	84 00
February	15.	Smith Vawter, per diem .....	84 00
March	1.	Smith Vawter, per diem .....	84 00
March	10.	Smith Vawter, per diem .....	54 00

Total ..... \$392 00

January	18.	E. Watson, per diem.....	\$60 00
January	23.	E. Watson, mileage.....	29 00
February	1.	E. Watson, per diem .....	84 00
February	15.	E. Watson, per diem .....	84 00
March	1.	E. Watson, per diem.....	84 00
March	10.	E. Watson, per diem.....	54 00

Total ..... \$395 00

January	18.	J. H. Willard, per diem.....	\$60 00
January	23.	J. H. Willard, mileage.....	47 00
February	1.	J. H. Willard, per diem.....	84 00
February	15.	J. H. Willard, per diem .....	84 00
March	1.	J. H. Willard, per diem.....	84 00
March	10.	J. H. Willard, per diem.....	54 00

Total ..... \$413 00

January	18.	W. P. Wimmer, per diem.....	\$60 00
January	23.	W. P. Wimmer, mileage.....	17 00
February	1.	W. P. Wimmer, per diem.....	84 00
February	10.	W. P. Wimmer, per diem.....	84 00
March	1.	W. P. Wimmer, per diem.....	84 00
March	10.	W. P. Wimmer, per diem .....	54 00
Total .....			<u>\$383 00</u>

January	18.	J. D. Works, per diem .....	\$60 00
January	23.	J. D. Works, mileage .....	46 00
February	1.	J. D. Works, per diem .....	84 00
February	15.	J. D. Works, per diem .....	84 00
March	1.	J. D. Works, per diem .....	84 00
March	15.	J. D. Works, per diem .....	54 00
Total .....			<u>\$412 00</u>

Aggregate amount of warrants drawn by the Speaker in favor of the Principal Clerk and his employes, for the session of 1879, three thousand one hundred and eleven dollars (\$3,111.00).

January	18.	Webster Dixon, per diem .....	\$60 00
February	1.	Webster Dixon, per diem .....	84 00
February	15.	Webster Dixon, per diem .....	84 00
March	1.	Webster Dixon, per diem .....	84 00
March	10.	Webster Dixon, per diem .....	54 00
Total .....			<u>\$366 00</u>

January	18.	W. F. A. Bernhamer, per diem ..	\$50 00
February	1.	W. F. A. Bernhamer, per diem ..	70 00
February	15.	W. F. A. Bernhamer, per diem ..	70 00
March	1.	W. F. A. Bernhamer, per diem ..	70 00
March	10.	W. F. A. Bernhamer, per diem ..	45 00
Total .....			<u>\$305 00</u>

January	18.	J. P. Hawkins, per diem.....	\$50 00
February	1.	J. P. Hawkins, per diem.....	56 00
February	7.	J. P. Hawkins, per diem.....	14 00
February	15.	J. P. Hawkins, per diem.....	70 00
March	1.	J. P. Hawkins, per diem.....	70 00
March	10.	J. P. Hawkins, per diem.....	45 00

Total ..... \$305 00

January	18.	Thomas McCollum, per diem....	\$50 00
February	1.	Thomas McCollum, per diem....	42 00
February	7.	Thomas McCollum, per diem....	28 00
February	15.	Thomas McCollum, per diem....	70 00
March	1.	Thomas McCollum, per diem....	70 00
March	10.	Thomas McCollum, per diem....	45 00

Total ..... \$305 00

February	15.	S. W. Holmes, per diem.....	\$190 00
----------	-----	-----------------------------	----------

Total ..... \$190 00

February	24.	P. McBride, per diem.....	\$35 00
March	1.	P. McBride, per diem.....	35 00
March	10.	P. McBride, per diem.....	45 00

Total ..... \$115 00

January	18.	Richard Carlton, per diem.....	\$50 00
February	1.	Richard Carlton, per diem.....	42 00
February	7.	Richard Carlton, per diem.....	28 00

Total ..... \$120 00

February	15.	M. E. Locke, per diem.....	\$70 00
March	1.	M. E. Locke, per diem.....	70 00
March	10.	M. E. Locke, per diem.....	45 00

Total ..... \$185 00



January	18.	R. Allen.....	\$50 00
February	1.	R. Allen.....	42 00
February	7.	R. Allen.....	28 00
February	15.	R. Allen.....	70 00
March	1.	R. Allen.....	70 00
March	10.	R. Allen.....	45 00

Total ..... \$305 00

January	18.	E. W. Cooper, per diem.....	\$50 00
February	1.	E. W. Cooper, per diem.....	42 00
February	7.	E. W. Cooper, per diem.....	28 00
February	15.	E. W. Cooper, per diem.....	70 00
March	1.	E. W. Cooper, per diem.....	70 00
March	10.	E. W. Cooper, per diem.....	45 00

Total ..... \$305 00

January	18.	Oscar Chilton, per diem .....	\$50 00
February	1.	Oscar Chilton, per diem.....	42 00
February	7.	Oscar Chilton, per diem.....	28 00
February	15.	Oscar Chilton, per diem.....	70 00
March	1.	Oscar Chilton, per diem.....	70 00
March	10.	Oscar Chilton, per diem.....	45 00

Total ..... \$305 00

January	18.	Theo. Biddle, per diem .....	\$50 00
February	1.	Theo. Biddle, per diem .....	42 00
February	7.	Theo. Biddle, per diem .....	28 00
February	15.	Theo. Biddle, per diem .....	70 00
March	1.	Theo. Biddle, per diem .....	70 00
March	10.	Theo. Biddle, per diem .....	45 00

Total ..... \$305 00

January	18.	W. W. Skillen, per diem.....	\$50 00
February	1.	W. W. Skillen, per diem.....	56 00
February	7.	W. W. Skillen, per diem.....	14 00
February	15.	W. W. Skillen, per diem.....	70 00
March	1.	W. W. Skillen, per diem.....	70 00
March	10.	W. W. Skillen, per diem.....	45 00

Total..... \$305 00

Aggregate amount of warrants drawn by the Speaker in favor of the Assistant Clerk and his employes, for the session of 1879, two thousand five hundred and one dollars (\$2,501.)

January 18.	T. C. Mays, per diem.....	\$60 00
February 1.	T. C. Mays, per diem.....	84 00
February 15.	T. C. Mays, per diem.....	84 00
February 24.	T. C. Mays, per diem.....	42 00
March 1.	T. C. Mays, per diem.....	42 00
March 10.	T. C. Mays, per diem.....	54 00

Total.....	\$366 00
------------	----------

January 28.	J. H. Anderson, per diem.....	\$50 00
February 1.	J. H. Anderson, per diem.....	56 00
February 7.	J. H. Anderson, per diem.....	14 00
February 15.	J. H. Anderson, per diem.....	70 00
February 24.	J. H. Anderson, per diem.....	35 00
March 1.	J. H. Anderson, per diem.....	35 00
March 10.	J. H. Anderson, per diem.....	45 00

Total .....	\$305 00
-------------	----------

January 18.	N. E. Alexander, per diem.....	\$50 00
February 1.	N. E. Alexander, per diem.....	56 00
February 7.	N. E. Alexander, per diem.....	14 00
February 15.	N. E. Alexander, per diem.....	70 00
February 24.	N. E. Alexander, per diem.....	35 00
March 1.	N. E. Alexander, per diem.....	35 00
March 10.	N. E. Alexander, per diem.....	45 00

Total .....	\$305 00
-------------	----------

January 18.	Henry Wakeman, per diem.....	\$50 00
February 1.	Henry Wakeman, per diem.....	56 00
February 7.	Henry Wakeman, per diem.....	14 00
February 15.	Henry Wakeman, per diem.....	70 00
March 1.	Henry Wakeman, per diem.....	70 00
March 10.	Henry Wakeman, per diem.....	45 00

Total .....	\$305 00
-------------	----------

January	18.	D. N. Taylor, per diem.....	\$50 00
February	1.	D. N. Taylor, per diem.....	56 00
February	7.	D. N. Taylor, per diem.....	14 00
February	15.	D. N. Taylor, per diem.....	70 00
March	1.	D. N. Taylor, per diem.....	70 00
March	10.	D. N. Taylor, per diem.....	45 00

Total .....	<u>\$305 00</u>
-------------	-----------------

January	18.	M. H. Corbin, per diem.....	\$50 00
February	1.	M. H. Corbin, per diem.....	56 00
February	7.	M. H. Corbin, per diem .....	14 00
February	15.	M. H. Corbin, per diem .....	70 00
March	1.	M. H. Corbin, per diem .....	70 00
March	10.	M. H. Corbin, per diem .....	45 00

Total .....	<u>\$305 00</u>
-------------	-----------------

January	18.	Henry B. Somes, per diem .....	\$50 00
February	1.	Henry B. Somes, per diem .....	56 00
February	7.	Henry B. Somes, per diem .....	14 00
February	15.	Henry B. Somes, per diem .....	70 00
March	1.	Henry B. Somes, per diem .....	70 00
March	10.	Henry B. Somes, per diem .....	45 00

Total.....	<u>\$305 00</u>
------------	-----------------

January	18.	C. Cooper, per diem .....	\$50 00
February	1.	C. Cooper, per diem .....	42 00
February	7.	C. Cooper, per diem .....	28 00
February	15.	C. Cooper, per diem .....	70 00
March	1.	C. Cooper, per diem .....	70 00
March	10.	C. Cooper, per diem .....	45 00

Total .....	<u>\$305 00</u>
-------------	-----------------



Aggregate amounts of warrants drawn by the Speaker in favor of the Principal Doorkeeper and his employes, for the session of 1879, two thousand three hundred and seventy dollars (\$2,370).

January	18.	D. B. Wilson, per diem.....	\$60 00
February	1.	D. B. Wilson, per diem.....	84 00
February	15.	D. B. Wilson, per diem.....	84 00
March	1.	D. B. Wilson, per diem.....	84 00
March	10.	D. B. Wilson, per diem.....	54 00

Total .....	<u>\$366 00</u>
-------------	-----------------

January	18.	William Nelson, per diem.....	\$50 00
February	1.	William Nelson, per diem.....	42 00
February	7.	William Nelson, per diem.....	28 00
February	15.	William Nelson, per diem.....	70 00
February	24.	William Nelson, per diem.....	35 00
March	1.	William Nelson, per diem.....	35 00
March	10.	William Nelson, per diem.....	45 00

Total .....	<u>\$305 00</u>
-------------	-----------------

January	18.	G. A. Rickets, per diem.....	\$50 00
February	1.	G. A. Rickets, per diem.....	42 00
February	7.	G. A. Rickets, per diem.....	28 00
February	15.	G. A. Rickets, per diem.....	70 00
March	1.	G. A. Rickets, per diem.....	70 00
March	10.	G. A. Rickets, per diem.....	45 00

Total .....	<u>\$305 00</u>
-------------	-----------------

January	18.	W. J. Craycraft, per diem.....	\$50 00
February	1.	W. J. Craycraft, per diem.....	42 00
February	7.	W. J. Craycraft, per diem.....	28 00
February	15.	W. J. Craycraft, per diem.....	70 00
March	1.	W. J. Craycraft, per diem.....	70 00
March	10.	W. J. Craycraft, per diem.....	45 00

Total.....	<u>\$305 00</u>
------------	-----------------

January	18.	R. R. McKahan, per diem .....	\$50 00
February	1.	R. R. McKahan, per diem .....	42 00
February	7.	R. R. McKahan, per diem.....	28 00
February	15.	R. R. McKahan, per diem.....	70 00
March	1.	R. R. McKahan, per diem.....	70 00
March	10.	R. R. McKahan, per diem.....	45 00

Total .....	<u>\$305 00</u>
-------------	-----------------

January	18.	S. H. Wilson, per diem.....	\$25 00
February	1.	S. H. Wilson, per diem.....	28 00
February	7.	S. H. Wilson, per diem.....	7 00
February	15.	S. H. Wilson, per diem.....	35 00
March	1.	S. H. Wilson, per diem.....	35 00
March	10.	S. H. Wilson, per diem.....	22 50

Total .....	<u>\$152 50</u>
-------------	-----------------

January	18.	W. Howson, per diem.....	\$25 00
February	1.	W. Howson, per diem .....	28 00
February	7.	W. Howson, per diem .....	7 00
February	15.	W. Howson, per diem .....	35 00
March	1.	W. Howson, per diem .....	35 00
March	10.	W. Howson, per diem .....	22 50

Total.....	<u>\$152 50</u>
------------	-----------------

January	18.	Alex. McConnell, per diem.....	\$25 00
February	1.	Alex. McConnell, per diem.....	28 00
February	7.	Alex. McConnell, per diem.....	7 00
February	15.	Alex. McConnell, per diem.....	35 00
March	1.	Alex. McConnell, per diem.....	35 00
March	10.	Alex. McConnell, per diem.....	22 50

Total.....	<u>\$152 50</u>
------------	-----------------

January	18.	G. R. Larter, per diem.....	\$25 00
February	1.	G. R. Larter, per diem.....	28 00
February	7.	G. R. Larter, per diem.....	7 00
February	15.	G. R. Larter, per diem.....	35 00
March	1.	G. R. Larter, per diem .....	35 00
March	10.	G. R. Larter, per diem.....	22 50

Total.....	<u>\$152 50</u>
------------	-----------------

February	1.	Thomas McDaniels, per diem.....	\$42 00
February	22.	Thomas McDaniels, per diem.....	63 00
March	1.	Thomas McDaniels, per diem.....	42 00
March	10.	Thomas McDaniels, per diem.....	27 00

Total ..... \$174 00

Aggregate amount of warrants drawn by the Speaker in favor of committee clerks for the session of 1879, one thousand three hundred and twelve dollars (\$1,312.)

January	18.	C. C. Worrall, per diem .....	\$30 00
February	1.	C. C. Worrall, per diem .....	56 00
February	7.	C. C. Worrall, per diem .....	34 00
February	15.	C. C. Worrall, per diem .....	70 00
March	1.	C. C. Worrall, per diem .....	70 00
March	10.	C. C. Worrall, per diem .....	45 00

Total ..... \$305 00

January	18.	John Graham, per diem .....	\$30 00
February	1.	John Graham, per diem .....	56 00
February	7.	John Graham, per diem .....	34 00
February	15.	John Graham, per diem .....	70 00
March	1.	John Graham, per diem .....	70 00
March	10.	John Graham, per diem .....	45 00

Total ..... \$305 00

January	18.	C. D. Shanks, per diem.....	\$30 00
February	1.	C. D. Shanks, per diem.....	56 00
February	7.	C. D. Shanks, per diem.....	34 00
February	15.	C. D. Shanks, per diem.....	70 00
March	1.	C. D. Shanks, per diem.....	70 00
March	10.	C. D. Shanks, per diem.....	45 00

Total ..... \$305 00

February	1.	I. L. Ayres, per diem .....	\$32 00
February	15.	I. L. Ayres, per diem .....	78 00
March	1.	I. L. Ayres, per diem .....	70 00
March	10.	I. L. Ayres, per diem .....	45 00

Total ..... \$225 00



February 1.	W. N. Myer, per diem.....	\$40 00
February 15.	W. N. Myer, per diem.....	56 00
February 22.	W. N. Myer, per diem.....	20 00
March 1.	W. N. Myer, per diem.....	56 00
Total .....		<u>\$172 00</u>

Aggregate amount of warrants drawn by the Speaker in favor of the Pages, for the session of 1879, seven hundred and thirty-two dollars (\$732).

January 18.	Charles Smith, per diem.....	\$20 00
February 1.	Charles Smith, per diem.....	28 00
February 15.	Charles Smith, per diem.....	28 00
March 1.	Charles Smith, per diem.....	28 00
March 10.	Charles Smith, per diem.....	18 00
Total .....		<u>\$122 00</u>

January 18.	Joseph F. Somes, per diem.....	\$20 00
February 1.	Joseph F. Somes, per diem.....	28 00
February 15.	Joseph F. Somes, per diem.....	28 00
March 1.	Joseph F. Somes, per diem.....	28 00
March 10.	Joseph F. Somes, per diem.....	18 00
Total .....		<u>\$122 00</u>

January 28.	Harry Johnson, per diem .....	\$20 00
February 1.	Harry Johnson, per diem .....	28 00
February 15.	Harry Johnson, per diem .....	28 00
March 1.	Harry Johnson, per diem .....	28 00
March 10.	Harry Johnson, per diem .....	18 00
Total .....		<u>\$122 00</u>

January 18.	T. H. Morgan, per diem .....	\$20 00
February 1.	T. H. Morgan, per diem .....	28 00
February 15.	T. H. Morgan, per diem .....	28 00
March 1.	T. H. Morgan, per diem .....	28 00
March 10.	T. H. Morgan, per diem .....	18 00
Total .....		<u>\$122 00</u>

January	18.	Charles Read, per diem.....	\$20 00
February	1.	Charles Read, per diem.....	28 00
February	15.	Charles Read, per diem.....	28 00
March	1.	Charles Read, per diem.....	28 00
March	10.	Charles Read, per diem.....	18 00

Total .....	<u>\$122 00</u>
-------------	-----------------

January	18.	L. L. Confer, per diem .....	\$20 00
February	1.	L. L. Confer, per diem .....	28 00
February	15.	L. L. Confer, per diem .....	28 00
March	1.	L. L. Confer, per diem .....	28 00
March	10.	L. L. Confer, per diem .....	18 00

Total .....	<u>\$122 00.</u>
-------------	------------------

Special allowances as per concurrent resolutions of the Fifty-first General Assembly of the State of Indiana, and amount of warrants drawn by the Speaker for the payment of the same for regular session :

William B. Carter, expense of visiting State prison.....	\$10 00
F. D. Caldwell, expense of visiting State prison	10 00
C. Scholl, expense of visiting State prison.....	10 00
Samuel Taylor, expense of visiting State prison..	10 00
C. B. Tulley, expense of visiting State prison.....	20 00
J. H. Willard, expense of visiting State prison...	10 00
L. W. Edwins, expense of visiting State prison...	20 00
S. W. Messick, expense of visiting State prison..	20 00
J. H. Thornburg, expense of visiting State prison	20 00
R. P. Haynes, witness in State House investigation .....	33 75
Cornelius Price, witness in State House investigation.....	23 75
W. C. Hinsdale, witness in State House investigation.....	25 00
F. W. Vodges, witness in State House investigation.....	15 45
C. M. Allen, witness in State House investigation .....	16 95

O. F. Baker, witness in State House investigation .....	15 45
Charles Eppinghausen, witness in State House investigation .....	12 50
Charles Dennis, witness in State House investigation.....	6 25
M. W. Brown, witness in State House investigation .....	6 25
E. J. Hodgson, witness in State House investigation .....	10 00
C. H. Cook, witness in State House investigation.....	10 00
I. Hodgson, witness in State House investigation .....	10 00
H. Wollets, witness in State House investigation	27 00
P. H. McCormick, witness in State House investigation .....	8 00
G. W. Ramage, witness in State House investigation.....	10 00
M. M. Defrees, witness in State House investigation .....	2 50
— Johnson, witness in State House investigation .....	3 75
W. C. Tarkington, witness in State House investigation.....	2 50
H. A. Garvey, witness in State House investigation .....	3 75
D. B. Wilson, doorkeeper State House investigation .....	95 20
Paul Hendricks, reporter State House investigation .....	169 74
J. H. Willard, expense, State House investigation .....	7 85
C. Kindler.....	9 60
D. B. Wilson.....	4 15
F. Bird, hack hire.....	6 00
S. H. Wilson .....	6 00
Gray & Beyschlag.....	22 15
H. Frank & Co.....	15 00
P. J. Roche.....	6 75
Henry Schnull, rent of rooms for committees.....	185 00



George F. Pfingst, rent of rooms for committees	200 00
R. W. Miers, visiting educational institutions....	25 00
R. VanValzah, visiting educational institutions..	25 00
J. M. Golden, visiting educational institutions...	25 00
T. S. Fancher, visiting educational institutions...	25 00
C. L. Baker, visiting educational institutions.....	25 00
D. A. Cunningham, visiting educational institu- tions.....	17 00
Total.....	

The Speaker, in announcing the adjournment of the House *sine die*, spoke as follows:

*Gentlemen of the House of Representatives:*

The time limited by the constitution of the State, and the hour fixed by your order for the termination of the Regular Session of the Fifty-first General Assembly has arrived. Sixty-one days ago we met together in this hall to organize this House, for the avowed purpose of enacting such laws as would promote the material prosperity of the State, and secure and advance the happiness and well being of the people. You have made your record, and I hope and trust that each member, at this parting hour, has the comforting assurance of a clear conscience that he has done his whole duty; that he has been influenced by no selfish or mercenary purpose, but that in all his methods and aims he has acted wholly for the public weal.

By your partiality and kindness I was chosen to preside over your deliberations. In severing the relations thus formed and yielding up the official life you conferred, and rendering an account of my stewardship, I have the proud consolation of being able to say I have tried to do my duty and merit your just approbation. If I have failed in the accomplishment of this, I hope you will attribute it to want of ability, and not of inattention, to consummate a purpose I have devoutly desired. If, in the course of the session, I have said or done anything calculated to wound the feelings of any member, I take this occasion to ask his pardon and beg his generous forgiveness. I have studiously avoided interference with all committee work, and of participating in the debates in the House in order to prevent the contraction of any feeling or prejudice. I have endeavored to do my duty conscientiously and honestly, and to avoid partiality or partisan bias. I hope every member is prepared

to reciprocate with me when I assure you I have none other than the kindest feelings for every single member of this House.

With the best wishes for both the members and employes of the House I now bid you good night, and declare this House adjourned without day.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.





---

---

# HOUSE JOURNAL

OF THE

## SPECIAL SESSION

OF THE

# FIFTY-FIRST GENERAL ASSEMBLY,

BEGUN

TUESDAY, MARCH 11, 1879.

---

---

# SPECIAL SESSION.

---

TUESDAY MORNING.

MARCH 11, 1879.

The Special Session of the General Assembly of the State of Indiana, begun and held in the city of Indianapolis on Tuesday, the 11th day of March, in the year of our Lord one thousand eight hundred and seventy-nine, being the day fixed for the same by the following proclamation of the Governor of the State of Indiana calling the said Special Session:

A PROCLAMATION BY THE GOVERNOR.

BY HIS EXCELLENCY,

THE GOVERNOR OF INDIANA:

A proclamation convening the Fifty-first General Assembly in Special Session. Given at Indianapolis, March 10, 1879.

The Fifty-first General Assembly has consumed the time allotted to its regular session and is about to adjourn. Provision has not been made for the expenses of the state government during the ensuing two years; other important business has not been completed; the public welfare, in my opinion, requires a brief special session; therefore

I, JAMES D. WILLIAMS, Governor of Indiana, hereby call upon the General Assembly of the State of Indiana to convene in special session on Tuesday, March 11, A. D. 1879, at 9 o'clock in the forenoon.

Witness the seal of the State and my signature.

[L. S.]

JAMES D. WILLIAMS.

By the Governor:

J. G. SHANKLIN,

Secretary of State.

In obedience to the foregoing proclamation, the members of the House of Representatives convened in their hall on the day and hour above mentioned.

The Hon. John G. Shanklin, Secretary of State, by virtue of the authority conferred upon him by law, called the House to order, and upon a call of the roll the following members appeared and were sworn by the Hon. William E. Niblack, Judge of the Supreme Court of the State of Indiana, and took their seats, except Mr. Hubbard, who affirmed:

Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouthe, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Cauthorn. Total 95.

Before taking the oath, Mr. Gordon said:

MR. SECRETARY:

Before the oath is administered to us, I desire to state my objection to this whole proceeding, as being a flagrant breach, in my opinion, of parliamentary law. The organization of this House on the ninth day of last January still stands, and will stand until the expiration of the term for which we were elected. I have no objection, however, to being re-sworn, for the oath will neither add to nor detract from our obligations already assumed; but I do most earnestly protest against the reorganization of the House, as being, in my judgment, a most flagrant violation of parliamentary usage and law.

Mr. Johnston inquired of the Secretary of State if nominations were now in order.



The Secretary of State replied that nominations were now in order.

Mr. Johnston offered the following resolution :

*Resolved by the House of Representatives*, That the Hon. Henry S. Cauthorn, Speaker of the House of Representatives at the regular session of the fifty-first General Assembly of the State of Indiana, be and he is hereby declared to be elected Speaker of the House for this special session; that Webster Dixon, Principal Clerk of the regular session, be and is hereby elected Clerk of the House of the present special session; that Thomas C. May, Assistant Clerk of the House during the regular session, be and is hereby declared elected Assistant Clerk during this special session; that David B. Wilson, Doorkeeper of the House during the regular session, be and is hereby declared to be elected Doorkeeper during this special session.

Mr. Owen moved to amend by striking out the name of Henry S. Cauthorn and inserting the name of John Overmyer in lieu thereof.

Mr. Caldwell moved that the amendment do lie on the table.

On which motion Messrs. Owen and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Saint, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Vanpelt, Van Valzah, Willard, Wimmer and Works—56.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Bryant, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Shutt, Snoddy, Stevens, Taylor of La-grange, Thayer, Thornburg and Watson—37.

The motion to lay on the table was agreed to.

Mr. Overmyer moved that the resolution do lie on the table.

On which Messrs. Overmyer and Gordon demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Bryant, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Watson and Works—38.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Robeson, Robinson, Rodman, Shanks, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Warrick, Thompson, Vanpelt, VanValzah, Willard and Wimmer—55.

The motion was not agreed to.

Mr. Humphreys demanded the previous question.

On which Messrs. Overmyer and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Saint, Schweitzer, Sbauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Vanpelt, VanValzah, Willard and Wimmer—56.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley,

March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Works—38.

The previous question was seconded.

The question being shall the main question be now put?

Messrs. Overmyer and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osburn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Saint, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warriek, Thompson, Vanpelt, VanValzah, Willard and Wimmer—55.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Works—39.

It was so ordered.

The question recurring on the adoption of Mr. Johnston's resolution.

Mr. Owen demanded a division of the question, which was denied by the Secretary of State, as the question was not divisible.

Messrs. Owen and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lehman, Major, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Ver-



million, Perry, Reed, Reichelderfer, Saint, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Vanpelt, VanValzah, Willard and Wimmer—69.

Those who voted in the negative were: Messrs. Arnold of Grant and March—2.

Those present and not voting were: Messrs. Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Lindley, Overmyer, Owen, Roberson, Robinson, Rodman, Shanks, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Works—36.

The resolution was adopted.

The Secretary of the State thereupon declared Henry S. Cauthorn duly elected Speaker of the House of Representatives for the special session of the fifty-first General Assembly; Webster Dixon, Principal Clerk of said special session; Thomas C. Mays, Assistant Clerk of said special session; David B. Wilson, Doorkeeper of said special session.

On motion, Messrs. Willard, Works and Johnson were appointed a committee to escort the Speaker elect to the chair, and the committee discharged said duty, when Henry S. Cauthorn, the Speaker elect, was duly sworn by William E. Niblack, one of the justices of the supreme court, and took his seat.

Webster Dixon, Thomas C. Mays and David B. Wilson then came forward and each was duly sworn by Judge Niblack and entered upon the discharge of the duties of his respective office.

Mr. Shanks filed the following protest:

MR. SECRETARY:

The undersigned, one of the Representatives of the people of the State of Indiana in this body, hereby enter my protest against electing officers of the House of Representatives by resolution, as in violation of section 13, article 2 of the constitution of Indiana. All such elections should be made by members on definite call on them for their vote for the choice of each separate officer to be so elected.

JOHN P. C. SHANKS,  
Representative from Delaware and Jay counties.

House Bill No. 656. Introduced by Mr. Overmyer, entitled  
 "An act prescribing certain duties of the Auditor of State"

Read the first time.

Mr. Lehman submitted the following resolution:

*Resolved*, That the rules of the regular session be and the same are hereby adopted as the rules for the special session.

Which was adopted.

Mr. Johnson submitted the following resolution:

*Resolved*, That the Clerk be directed to inform the Senate that the House has organized by electing Hon. Henry S. Cauthorn, Speaker; Webster Dixon, Principal Clerk; Thomas C. Mays, Assistant Clerk, and David B. Wilson, Doorkeeper, and that the House is now ready to proceed to legislative business.

Which was adopted.

Mr. English submitted the following resolution:

*Resolved by the House of Representatives (the Senate concurring therein)*, That this session of the General Assembly will adjourn *sine die* on Monday, March 17, 1879, at 12 o'clock noon.

Mr. Overmyer offered the following resolution as a substitute:

*Resolved by the House of Representatives (the Senate concurring therein)*, That it is the duty of the General Assembly at the special session to proceed to the completion of the appropriation bills, to the end that only a brief special session may be required.

Mr. English demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question being on the substitute of Mr. Overmyer.

On which, Messrs. Sleeth and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Fleming, Flodder, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpat-

rick, Lehman, Lindley, Major, March, Messick, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Schweitzer, Shields, Shutt, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thornburg, Vanpelt, Vawter, Watson, Works and Mr. Speaker—78.

Those who voted in the negative were: Messrs. English, Faulkner, Galbraith, Johnston, Mitchell, Nave, Shanks, Shauck, Stucker, Taylor of Warrick, VanValzah and Willard—12.

The substitute was adopted.

Mr. Davidson submitted the following resolution:

*Resolved by the House of Representatives*, That we will not renew the contract of the Regular Session for committee rooms, and that no further contracts for any such purpose be made; but that we will confine ourselves to the use of property already under the control of the General Assembly.

Which was adopted.

Mr. English submitted the following resolution:

*Resolved by the House of Representatives (the Senate concurring)*, That this session of the General Assembly will adjourn *sine die* on Tuesday, March 18, at 12 o'clock, noon.

On which resolution Messrs. English and Copeland demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Steuben, Campbell, Carey, Connor, Copeland, Drake, English, Fancher, Faulkner, Galbraith, Golden, Harland, Herod, Hess, Hopkins, Lindley, March, Messick, Osborn of Vermillion, Overmyer, Owen, Robinson, Schweitzer, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thornburg, VanValzah, Vawter, Watson and Willard—35.

Those who voted in the negative were: Messrs. Alden, Allen, Barker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Confer, Connaway, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Edwins, Fleming, Flodder, Garrouette, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reed, Reichelderfer, Robeson, Rodman, Saint, Shauck,



Shields, Shutt, Taylor of Daviess, Taylor of Warrick, Thompson, Vanpelt, Works and Mr. Speaker—52.

The resolution was not adopted.

Mr. Faulkner submitted the following resolution:

WHEREAS, The term of service of the several clerks of the standing committees of the House expired at the end of the regular session; and

WHEREAS, There is no further necessity for such clerks during the special session; therefore

*Resolved*, That the standing committees be and they are hereby instructed not to employ any clerks for the special session.

The question being on concurring in the resolution of Mr. Faulkner.

Messrs. Faulkner and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Robinson, Rodman, Saint, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Works and Mr. Speaker—75.

Those who voted in the negative were: Messrs. Caldwell, Cunningham and Kester—3.

The resolution was adopted.

Mr. Lehman submitted the following resolution:

*Resolved*, That a committee of three be appointed to wait upon his Excellency the Governor, and inform him that the General Assembly has duly organized in form, and to enquire whether he desires to make any communication to the General Assembly; and further

*Resolved*, That the Clerk inform the Senate of the appointment of such committee, and ask the appointment of a like committee on the part of the Senate.

Which was adopted.

The Speaker appointed the following committee: Messrs. Lehman, Briggs and Reed.

Mr. Davis was granted leave of absence.

Mr. Taylor of Daviess was granted leave of absence.

Messrs. Messick, Hart and Kirkpatrick were granted leave of absence.

Mr. Caldwell submitted a resolution, which was laid over under the rules until to-morrow.

On motion of Mr. Humphreys the House adjourned.

## AFTERNOON SESSION.

MARCH 11, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Hosmer was granted leave of absence.

Mr. Rodman moved that House bill No. 388 be taken from the table and referred to the committee on roads.

Which was agreed to.

Engrossed Senate Bill No. 180 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Davidson, Davis, Donnell, Drake, Drover, English, Faulkner, Galbraith, Garrouette, Ginz, Golden, Gordon, Harland, Herod, Hess, Hopkins, Huthsteiner, Johnston, Kelly, Kester, Lehman, Major, March,

Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Schweitzer, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warriek, Thornburg, Vampelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—66.

Those who voted in the negative were: Messrs. Baker, Copeland, Handy, Humphreys, Shanks and Stucker—6.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has organized by electing the following officers: Daniel D. Dale, Principal Secretary; Charles W. Ward, Assistant Secretary; and Richard Hunccheon, Doorkeeper, and that the Senate is now ready for the transaction of business.

I am also directed to inform the House of Representatives that the Senate has failed to concur in House amendments to Senate amendments to engrossed House bill No. 637, as to appropriations for 1880, and ask that a conference committee be appointed, and that the President of the Senate has appointed on such committee on the part of the Senate, Senators Harris and Heffren, and the same is hereby submitted to the House for its action thereon.

Mr. Overmyer moved that the Speaker appoint a committee of conference on House bill No. 637.

Which was agreed to.

And the Speaker appointed the following committee: Messrs. Overmyer and Dalton.

Engrossed House Bill No. 192 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Robeson, Robinson, Rodman, Saint, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—78.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Johnston was called to the chair.

Engrossed House Bill No. 583 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Edwins, English, Faulkner, Fleming, Flodder, Garrouette, Ginz, Golden, Handy, Harland, Hart, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Saint, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—80.

Mr. Galbraith voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was ordered to inform the Senate thereof.

Mr. Lehman, from the committee appointed to wait upon the Governor, submitted the following report:

MR. SPEAKER:

Your committee to wait upon His Excellency, the Governor, and inquire of him whether he has any communication to make to the General Assembly, have performed that duty, and we beg leave to inform the House that His Excellency desires to communicate with the General Assembly this afternoon at half-past three o'clock, and we recommend the following, to-wit:

*Resolved by the House (the Senate concurring therein), That the two Houses of the General Assembly meet in joint convention this afternoon at 3½ P. M. in the hall of the House of Representatives, for that purpose, and the Senate be invited to attend at that hour.*

Which was concurred in.

Engrossed House Bill No. 238 was read the third time and put upon its passage.

The question being, shall the bill pass?

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has accepted the invitation to meet the House in joint assembly to receive any message the Governor may have to deliver.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

The Senate has adopted House resolution appointing a committee to wait upon His Excellency the Governor, etc., and the President of the Senate has appointed on the part of the Senate, as such committee, Messrs. Trusler, Garrigus and Leeper.

And the same is herewith submitted to the House for its action thereon.

The Speaker resumed the chair.

The hour having arrived for the joint convention to meet, the chair appointed Messrs. Briggs and Shanks as a committee to wait upon the Senate and inform them that the House was ready to receive them.

The Senate, escorted by the committee on the part of the House, appeared and were assigned to seats, and the President of the Senate was conducted to the chair and called the convention to order.

The chair appointed Senator Wood and Messrs. Lehman and Golden on the part of the House, a committee to wait upon his Excellency Governor Williams, and inform him that the two houses in joint convention assembled awaited his pleasure.

The committee returning reported that the Governor would communicate his message through his Private Secretary.

Whereupon the following message from his Excellency Governor Williams was read by the Principal Clerk of the House:

*Gentlemen of the General Assembly:*

I regret that I have been compelled to cause you to convene in special session to complete the business which should have been accomplished during the regular session, which closed yesterday. In concluding my biennial message I expressed the hope that, realizing the limited term for which you were convened, you might be able, at an early day, to consider the matters communicated to you, and that your most important business might not be delayed until the confusion incident to the closing hours of the session should involve you in errors which you would afterwards regret.

The present condition of your business justifies the admonition which the experience of many years then had taught me. I presume that I may not officially know what has created this emergency, but the people, whose servants we are, will in due time fix the responsibility where it belongs and administer the chastisement which faithless and incompetent representatives may always expect from an outraged constituency.

During the fifty-nine days ending Saturday last, and before the "two days next previous to the final adjournment" had commenced to run, the joint committees on engrossed bills presented to me eighteen bills which had originated in the Senate and twelve which had originated in the House of Representatives. These, being thirty in all, I have signed. They constitute the legislation



upon which you must have been judged, without the opportunity now afforded you by the exercise of the constitutional power vested in me. An examination of these acts suggests that our modern idea of legislation not only contemplates a special session at the conclusion of each regular session of the General Assembly, but in addition expects that a large part of that time shall be devoted to setting right the errors of town and city officers, and other agents of the people, defining existing laws, relieving sureties on official bonds, changing judicial circuits to accommodate personal prejudices against presiding judges, changing their terms and time of holding court in counties to suit the convenience of a select few at the expense of the mass of the people who have become accustomed to the existing calendar, enacting under the forms of general law that which is of necessity local and special and in direct violation of the constitution; and thus, while affording to small localities the temporary relief given by an act of doubtful sufficiency, leave the measures for which the people of the whole State have long waited, to fall into confusion and neglect.

Twelve of the acts received and signed may be classified with those described. One undertakes to satisfy and confirm a large part of the omissions of duty incident to the organization and management of the city government to which it applies. Ordinances by number, without other description, are accepted as wholesome for the community amenable to that form of law, and ratified and approved, save that by a variance between the title and the body of the act, ten, whose irregularity is by title promised a cure, are omitted and left to be healed two years hence. By one act you set apart one hundred and twenty-five thousand dollars for the payment of your expenses, and by another you increased your corps of employes by the addition of two clerks of committees. A superior court constituted for Wayne county by the last General Assembly is abolished, and you have dispensed with a part of our expensive machinery for the assessment of taxes in towns and cities. The act requiring that prisoners in jail be put at some useful work, is valuable in our populous localities; the act permitting guardians to settle the estates of deceased wards is commendable, and I trust will lead to other needed reforms of that nature. You have enacted a few good and highly important laws.

Having agreed to seven of the proposed amendments to the constitution, you have provided for their submission to the people at an election to be held in April, 1880. You have passed a law

apportioning the counties of the State for purposes of representation in the General Assembly, which has met my entire approval as being just and fair to all affected by it.

In my former communication I noted the growing disposition to impose ministerial duties upon the Governor, in addition to those named in the constitution. By your acts changing the management of the benevolent institutions--the Hospital for the Insane, the Institutes for the Deaf and Dumb and the Blind, and the Soldiers' Orphans' Home (now merged with the newly created Asylum for Feeble Minded Children)--you have given to the Governor, under advice of the Senate, power to appoint the trustees. Remembering how much of your time has been occupied by appeals for office when in your immediate gift, and the vain effort to determine your right to elect, I am satisfied of their wisdom and of the propriety of extending the authority to include the management of the two prisons, which alone remain to threaten your peace of mind.

I renew my recommendation on the subject of fees and salaries. It is expected that you will pass a law fixing the fees and salaries of your State, county and township officers, giving them a fair compensation for their services, making the laws so plain that there can be no misconstruction of any of its points. Such a law I shall cheerfully sanction.

It is of great and pressing importance that you at once consider and pass a bill for an act making appropriations for the support of the State government during the two years from November 1, 1879. The act now in force was enacted in March, 1877, and was designed to include in itself and become a substitute for all existing laws authorizing the payment of money from the general fund. It has been thus construed and administered. It lacks none of the force of law. By its terms it repeals the laws and fragments of laws then in force, which had authorized unexpected drafts upon the treasury, and limited the amounts and objects. Salaries are provided for by it which had before been paid out of miscellaneous appropriations, and did not appear upon the face of the acts of appropriation.

In this connection I may say that in making provision for the administration of the office which I now have the honor to hold, you may not deal justly by its important and increasing business when you adjust your appropriations to those who are for the time being in its service. The provision which you may make will

apply to and affect the next administration of the office quite as much as the present incumbent. The system of business which prevails has been perfected by years of experience and pains-taking care, and deserves at least an examination before it is condemned as useless, or degraded by being placed upon a level with branches of the public service for an entirely different character.

The bill for an act making appropriations for specific objects deserves immediate consideration. An appropriation for improvements at the Southern prison is a matter of great importance.

The addition to the building of the Hospital for the Insane to be used as the department for "women" has been erected during the past four years, at a cost of six hundred thousand dollars, and awaits an appropriation to complete and furnish it for the accommodation of the hundreds who need its care and protection in their pitiable condition.

I trust that you will not fail to make a sufficient appropriation, say \$62,000, to pay the indebtedness of the State Board of Agriculture. The State has already acquired an interest in its land to the amount of \$25,000, but it is only in the nature of a second mortgage. I recommend that you make the appropriation in order to save the State's interest, as well as the State Board's—the State to be the owner in fee simple until such time as the property can be sold to advantage, and then, after reimbursing the State, should there be anything left, that it be given to the State Board.

When in 1855 the State University was in danger of losing its endowment by a judgment obtained by the trustees of the Vincennes University against the State defending for persons who had purchased lands supposed to belong to it, the State very generously assumed the whole amount, being nearly \$70,000, and has paid it, with a large amount of interest on the bonds issued for the purpose. Now, if the State could afford to make a donation of that amount to one University, she can surely afford to appropriate the money required to save the property of the farmers and mechanics of the whole State, especially as the State will become the owner of the property.

I sincerely hope you will at once complete your consideration of the bill providing means to continue the work on the new State House, and enact it into a law. The slight disagreements as to the manner of raising the money can be speedily reconciled by a full and free consultation, when all shall have come to realize the



advantages of an immediate prosecution of the work in a time so favorable to permanence and cheapness.

The subject of expert evidence, to which I called your attention in my former communication, has received an early and a marked illustration in the attempt of architects, who testified before your committee of investigation into the new State House matters, to procure an allowance at the rate of \$20 per day for their attendance as witnesses, and that, too, after some of them had been afforded their education at the public expense. I renew and press upon you the recommendation that you remedy this evil, and that you put it beyond the power of courts to allow or witnesses to demand and receive such unreasonable fees.

I again urge that you repeal the law authorizing each county to send two students to each University, free of charge, and that you require all students alike to pay a reasonable tuition fee.

My recommendation upon the subject of executive clemency has been brought to your notice again by the printed copies of the biennial report for 1877 and 1878. I desire your careful and deliberate judgment upon the facts thus fully communicated to you, and if, in your opinion, it is not wise to make the change authorized by the constitution, I will be glad if the care bestowed upon that branch of the business of this office may commend it to your approbation.

As suggested in my proclamation, I believe that your session under this call should be brief, and I assume that it will be your pleasure to insure that desirable result by a prompt, diligent and harmonious disposition of the measures of public interest which I have enumerated.

JAMES D. WILLIAMS.

Governor's Office, March 11, 1879.

The House was called to order by the Speaker.

The passage of House bill No. 238 pending at recess, the same was resumed.

The question recurring on the passage of the bill.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover,

Edwins, English, Faulkner, Flodder, Galbraith, Garroutte, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, March, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—79.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Taylor of Daviess, was called to the chair.

Engrossed House Bill No. 397 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Faulkner, Flodder, Galbraith, Garroutte, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Johnston, Kelly, Kester, Lindley, March, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Schweitzer, Shanks, Shauck, Shields, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—74.

Those who voted in the negative were: Messrs. Alden, Compton, Humphreys, Saint and Shutt—5.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 610 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Cornaway, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Golden, Handy, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kester, Lehman, March, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Rodman, Saint, Schweitzer, Shanks, Shauck, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—68.

Mr. Lindley voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 616 was read the third time and put upon its passage.

The question being, shall the bill pass?

Mr. Owen moved that the bill do lie on the table.

Which was agreed to.

Engrossed Senate Bill No. 169 was read the third time and put upon its passage.

The question being shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, Galbraith, Garrouette,



Ginz, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, March, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robinson, Rodman, Schweitzer, Shanks, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Vawter, Watson and Works—63.

Those who voted in the negative were: Messrs. Faulkner, Saint, Shauck and Vanpelt—4.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Reichelderfer was granted leave of absence until Tuesday morning.

Mr. Taylor of Warrick, offered the following resolution:

*Resolved*, That the Doorkeeper be and he is hereby requested to retain all the employes and assistant doorkeepers who served under him during the regular session of 1879.

Which resolution was adopted.

Mr. Hubbard offered the following concurrent resolution:

*Resolved by the House of Representatives (the Senate concurring therein.)* That room "G," Occidental Hotel, be and the same is hereby hired at one dollar and fifty cents a day for the use of the special investigating committee of the benevolent institutions of the State, being the lowest *bid* received by your committee, and that the Doorkeeper be allowed the sum of one dollar per day for his services during said investigation, and that the witnesses examined before said committee shall be allowed the sum of fifty cents for each day necessarily in attendance upon said committee, three cents per mile for every mile necessarily traveled to and from the sittings of said committee, provided no mileage shall be allowed to witnesses residing in the city of Indianapolis, and no fees to witnesses connected with said institution.

Mr. Faulkner moved that the resolution do lie on the table.

Which was not agreed to.

Mr. Lehman submitted the following amendment:

Amend by striking out the words "one dollar to the Doorkeeper."

Mr. Dailey demanded the previous question.

Which was seconded.

The question being on the adoption of Mr. Lehman's amendment.

The same was not adopted.

The question recurring on the resolution of Mr. Hubbard.

Messrs. Faulkner and Lehman demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carter, Compton, Connaway, Connor, Copeland, Dailey, Davidson, Donnell, Edwins, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kester, Lindley, March, Miers, Osborn of Vermillion, Owen, Reed, Robeson, Robinson, Rodman, Saint, Shanks, Shauck, Shields, Sleeth, Snoddy, Stevens, Taylor of Daviess, Thompson, Thornburg, Vanpelt, Vawter and Watson—47.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Confer, Cunningham, Davis, Drake, Drover, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Humphreys, Johnston, Lehman, Mitchell, Overmyer, Perry, Schweitzer, Shutt, Stucker, Taylor of Warrick, Works and Mr. Speaker—29.

The resolution was adopted.

The Speaker resumed the chair.

On motion of Mr. Shields the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## WEDNESDAY MORNING.

MARCH 12, 1879, 9 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Allen, the further reading thereof was dispensed with.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has failed to concur in House amendments to engrossed Senate bill No. 158, entitled "An act concerning married women," and ask that a conference committee of the two Houses be appointed, and that the President of the Senate has appointed on the part of the Senate, Messrs. Harris and Heffron.

And the same is herewith transmitted to the House for its action thereon.

Mr. March moved that a conference committee be appointed on Senate bill No. 158.

The Speaker appointed Messrs. March and Dailey as such conference committee.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House Bill No. 228.

Also engrossed House bill No. 303.

And the same are herewith returned to the House.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted House concurrent resolution No. 25, appropriating one hundred and eighty-five dollars to Henry



Schnull for use of committee rooms, with the following amendments:

"And to George F. Pfingst, proprietor of the Grand Hotel, the sum of two hundred dollars for rent of Senate committee rooms, and President of the Senate to draw warrant for the amount for said Pfingst, for said committee rooms."

And the same is herewith returned to the House for its action.

Senate amendments to House Concurrent Resolution No. 25; were concurred in.

Mr. Wimmer submitted the following resolution, to-wit:

*Resolved*, That so much of the resolution discharging the committee clerks as refers to and affects the three regular committee clerks of the three several groups, be and the same is hereby rescinded, and that the said three clerks may be employed by the said chairmen of the several groups when, if in their judgment, they are needed.

Mr. Faulkner moved that the resolution do lie on the table.

Messrs. Faulker and Johnston demanded the ayes and noes.

Those who voted in the affirmative were: Messrs. Baker, Bearss, Brown of Steuben, Carey, Confer, Connor, Copeland, Davidson, Davis, Faulkner, Galbraith, Golden, Hubbard, Humphreys, Johnston, Kelly, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Reed, Robinson, Rodman, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Watson and Works—45.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carter, Connaway, Cunningham, Donnell, Drake, Drover, Edwins, English, Fleming, Flodder, Garrouette, Ginz, Handy, Harland, Herod, Hess, Hopkins, Huthsteiner, Kester, Lehman, Lindley, Owen, Perry, Saint, Scholl, Thayer, Thompson, Vawter, Willard, Wimmer and Mr. Speaker—43.

The resolution was laid on the table.

Messrs. Tulley, Skinner, and Scholl were sworn in as members of the House of Representatives.

Engrossed House Bill No. 32 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Faulkner, Fleming, Flodder, Galbraith, Garrouthe, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Owen, Perry, Reed, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—87.

Mr. Willard voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion of Mr. Thayer, engrossed House bill No. 416 was laid on the table.

Mr. Saint offered the following resolution:

WHEREAS, The Fifty-first General Assembly of the State of Indiana have had, at the regular session just closed, besides the ordinary duties pertaining to that body, the duties imposed by the election of United States Senator, the apportionment of the State into legislative and congressional districts, the investigation of the charges against the board of state house commissioners and against the board of benevolent institutions; and

WHEREAS, The members of said House of Representatives of all political parties, eschewing party considerations to an extent unprecedented in former legislative bodies of this State, have labored unceasingly almost to secure such legislation as the interest of their constituents and the State demands; and

WHEREAS, They have passed and forwarded to the other branch of this department near 100 important bills and acted on a large number received from that body, and because it is no fault, neglect or lack of duty on the part of this House that no greater amount of legislation has been accomplished; and

WHEREAS, The Governor, James D. Williams, in what purported to be a message, and communicated second-handed to this House on yesterday, so far forgot the dignity of and respect due to a co-ordinate branch of this state government as to rebuke and criticise its doings in the regular session of this House just past, and to attempt to bring it into disrepute and public ridicule by undignified and undeserved criticisms of its proceedings; and

WHEREAS, No amount of pandering to a vulgar prejudice against public servants by one branch of the state government will restore the confidence that the people are fast losing in that department of said state government; therefore be it

*Resolved by the House of Representatives,* That said pretended message is an insult not only to the representatives of the people, but to the people themselves.

*Resolved, further,* That the Speaker of this House appoint a committee of five members to consider said pretended message and report to this body such action thereon as they may deem necessary for the vindication of an equal and independent co-ordinate branch of the state government.

Mr. Tulley moved that the resolution do lie on the table.

On which motion Messrs. Humphreys and Saint demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Connaway, Connor, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Fleming, Galbraith, Garrouette, Ginz, Handy, Herod, Hopkins, Hubbard, Humphreys, Huthsteiner, Kester, Lehman, Lindley, Mitchell, Robinson, Schweitzer, Shauck, Shields, Shutt, Sleeth, Stucker, Taylor of Warwick, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Watson, Wimmer and Mr. Speaker—50.

Those who voted in the negative were: Messrs. Allen, Arnold of Wabash, Bearss, Brown of Steuben, Carey, Carter, Copeland, Cunningham, Davis, Donnell, Flodder, Golden, Hess, Johnston,



Kelly, Major, March, Miers, Osborn of Elkhart, Osborn of Vermillion, Owen, Perry, Reed, Rodman, Saint, Scholl, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Vawter, Willard and Works—35.

The resolution was laid on the table.

Engrossed House Bill No. 209 was read the third time and put upon its passage.

Mr. Caldwell was called to the chair.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Faulkner, Fleming, Galbraith, Garrouette, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Lindley, March, Miers, Mitchell, Nave, Osborn of Vermillion, Reed, Robinson, Rodman, Saint, Scholl, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—72.

Those who voted in the negative were: Messrs. Lehman, Osborn of Elkhart, Owen, Shanks, Stucker and Willard—6:

Mr. Cunningham was excused from voting.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 280 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drover, English, Flem-

ing, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kester, Lehman, Major, March, Miers, Osborn of Elkhart, Osborn of Vermillion, Owen, Reed, Robinson, Rodman, Saint, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Vanpelt, VanValzah, Vawter, Watson and Works—55.

Those who voted in the negative were: Messrs. Alden, Allen, Blockley, Briggs, Brown of Jasper, Cunningham, Drake, Faulkner, Galbraith, Garrouthe, Handy, Humphreys, Huthsteiner, Lindley, Mitchell, Scholl, Schweitzer, Shauck, Shutt, Stucker, Willard, Wimmer and Mr. Speaker—23.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act.

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker resumed the chair.

Engrossed House Bill No. 148 was read the third time and put upon its passage.

Mr. Willard was called to the chair.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Briggs, Caldwell, Campbell, Compton, Confer, Cunningham, Dailey, Davidson, Flodder, Garrouthe, Harland, Hess, Humphreys, Lehman, Major, Miers, Mitchell, Schweitzer, Shauck, Shields, Shutt, Skinner, Taylor of Lagrange, Thayer, Thompson, Tulley, Vanpelt and Willard—28.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold, Baker, Barker, Blockley, Brown of Jasper, Carey, Carter, Connaway, Copeland, Davis, Donnell, Drake, Drover, English, Faulkner, Galbraith, Ginz, Golden, Handy, Herod, Hopkins, Johnston, Kelly, Kester, Lindley, March, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Robinson, Rodman, Scholl, Shanks, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—47.

The bill failed to pass.

The Speaker reported that he had signed enrolled Senate acts Nos. 180, 187, 9 and 17.

Engrossed House bill No. 225 was read the third time and put upon its passage.

The amendments to said bill were stricken out by general consent.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Briggs, Brown of Steuben, Caldwell, Campbell, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Faulkner, Flodder, Galbraith, Garrouette, Golden, Handy, Harland, Herod, Hess, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer and Works—72.

Mr. Speaker voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion of Mr. Faulkner the House adjourned.



## AFTERNOON SESSION.

MARCH 12, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Chair announced that the standing committees would be the same as at the regular session.

Engrossed House Bill No. 473 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Cunningham, Dailey, Davis, Donnell, Drover, Edwins, English, Faulkner, Fleming, Flodder, Garrouette, Ginz, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, March, Miers, Nave, Overmyer, Owen, Reed, Robinson, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thompson, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Carter, Copeland, Mitchell, Osborn of Vermillion, Scholl and Taylor of War-rick—6.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

House Bill No. 657. Introduced by Mr. Taylor of Daviess, entitled "A bill to amend section 642 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of

actions at law, and to provide for the administration of justice in a uniform mode of pleadings and practice without distinction between law and equity, approved June 18, 1852."

Read the first time.

Engrossed House Bill No. 509 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Compton, Confer, Conaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Reed, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—74.

Those who voted in the negative were: Messrs. Huthsteiner and Osborn of Vermillion—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House bill No. 13 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Baker, Bearss, Blockley, Brown of Jasper, Brown of Stenben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Copeland, Cunningham, Dalton, Davis, Donnell, Drake, Drover, Faulkner, Flodder, Golden, Harland, Hess, Hopkins, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Major, Miers, Mitchell, Osborn of Vermillion, Overmyer, Reed, Rodman, Scholl, Schweitzer,

Shauck, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Vawter and Wimmer—53.

Those who voted in the negative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Barker, Briggs, Connaway, Dailey, Davidson, English, Fleming, Garrouette, Ginz, Handy, Herod, Kester, March, Nave, Osborn of Elkhart, Owen, Robinson, Shanks, Shields, Sleeth, Thompson, Tulley, VanValzah, Watson, Willard, Works and Mr. Speaker—30.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate bill No. 194 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Carter, Compton, Connaway, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Harland, Hess, Hopkins, Hubbard, Johnston, Kelly, Kester, Kirkpatrick, Major, March, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Watson, Wimmer and Works—63.

Those who voted in the negative were: Messrs. Alden, Barker, Caldwell, Confer, Drake, English, Handy, Herod, Humphreys, Huthsteiner, Lindley, Nave, Sleeth, Stucker, Thompson, Tulley, VanValzah, Willard and Mr. Speaker—19.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.



Mr. Overmyer, from the conference committee on House bill No. 637, submitted the following report:

MR. SPEAKER:

Your conference committee, to whom was referred House bill No. 637, for the purpose of adjusting the disagreements of the two Houses on said bill, have had the same under consideration and beg leave to report as follows:

1. We recommend that all of section 3 of the Senate amendments to said bill, after the word "State," in line 3 of said section, be stricken out, and that the following be inserted in lieu thereof:

*"Provided, That the Governor, Auditor, and Treasurer of State shall have power to borrow money on the credit of the State, for the purpose of paying any existing loans as such loans may fall due."*

And we recommend that the following be agreed to in lieu of the House amendments, in regard to the appropriation of \$100,000 during the year 1880:

*"There shall also be appropriated from the general fund in the state treasury the sum of one hundred thousand dollars, to be used for the building of the New State House during the year 1880, to be paid out of any moneys in said fund not otherwise appropriated."*

Which shall be added to section 2 of the Senate amendments.

And we further recommend that the title of said bill be amended to read as follows, to-wit:

*"An act to provide for the erection of a new State House, providing for levying certain taxes, and making certain appropriations therefor, and authorizing new loans to be made to pay existing indebtedness."*

ADDISON C. HARRIS,  
Senator Marion county.

D. J. HEFRON,  
Senator Daviess and Greene counties.

JOHN OVERMYER,  
Representative Jennings county.

LYCURGUS DALTON,  
Representative Lawrence county.

On the motion to concur in the report of the conference committee, Messrs. Willard and Barker demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davis, Donnell, Drake, Drover, English, Faulkner, Fleming, Flodder, Garrouette, Ginz, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vanpelt, Van Valzah, Watson, Wimmer, Works and Mr. Speaker—70.

Those who voted in the negative were: Messrs. Barker, Briggs, Cunningham, Davidson, Galbraith, Golden, Kester, Miers, Mitchell, Shutt, Stucker, Taylor of Warrick and Willard—13.

The report was concurred in.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the conference committee to House engrossed bill No. 637, and the same is herewith returned to the House for its action.

Engrossed House bill No. 162 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, March, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, Van Valzah, Watson, Willard, Wimmer, Works and Mr. Speaker—72.

Those who voted in the negative were: Messrs. Arnold of Grant, Blockley, Copeland, Handy; Kirkpatrick, Major and Stucker—7.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House bill No. 373 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Confer, Connor, Cunningham, Davidson, Davis, Drake, Drover, Faulkner, Fleming, Flodder, Galbraith, Handy, Harland, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Robinson, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thompson, Vanpelt, VanValzah, Watson, Willard and Wimmer—52.

Those who voted in the negative were: Messrs. Arnold of Grant, Connaway, Copeland, Dailey, Dalton, Donnell, Garrouette, Golden, Herod, Hess, Hopkins, Hubbard, Humphreys, Kirkpatrick, March, Miers, Overmyer, Owen, Reed, Rodman, Scholl, Taylor of Warwick, Thornburg, Works and Mr. Speaker—25.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Osborn of Elkhart offered the following resolution:

*Resolved*, That section 29 of the rules of the House be amended by adding thereto the following, viz:

And no member shall explain his vote or make any explanation when called upon to vote or during the roll call in taking the ayes and noes.



Engrossed House bill No. 120 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Davidson, Davis, Donnell, Drake, Drover, Edwins, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Miers, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, Watson, Willard, Works and Mr. Speaker—72.

Those who voted in the negative were: Messrs. Cunningham, Dailey, Dalton, March, Mitchell, Nave and Wimmer—7.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate bill No. 258 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Edwins, Faulkner, Fleming, Flodder, Garrouette, Ginz, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt,

Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Vanpelt, VanValzah, Watson, Willard and Mr. Speaker—73.

Mr. Galbraith voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 202 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Barker, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Edwins, Galbraith, Garrouette, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Robinson, Rodman, Scholl, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Watson and Mr. Speaker—61.

Those who voted in the negative were: Messrs. Alden, Blockley, Cunningham, Drake, Faulkner, Ginz, Handy, Humphreys, Schweitzer, VanValzah and Willard—10.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Humphreys was called to the chair.

Engrossed Senate Bill No. 284 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Flodder, Galbraith, Garrouette, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Owen, Reed, Robinson, Rodman, Schweitzer, Shanks, Shields, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Vanpelt, Watson, Willard and Mr. Speaker—60.

Those who voted in the negative were: Messrs. Arnold of Grant, Baker, Barker, Campbell, Faulkner, Kester, Scholl, Shauck and Shutt—9.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Watson submitted the following resolution:

WHEREAS, A number of bills passed both Houses during the regular session which were not signed by the Governor, and thereby failed to become laws; therefore, be it

*Resolved*, That a committee of three be appointed to ascertain the number and subject matter of these bills and report the same to the House.

Which was adopted.

The Speaker appointed the following committee: Messrs. Watson, Works and Osborn of Elkhart.

Mr. Overmyer moved that the order of business be suspended so that Senate and House bills may be taken up and read the second time and referred to committees.

Which was agreed to.

Mr. Connor moved to take House bill No. 416 from the table and refer the same to a select committee.

Which was agreed to.

The Speaker appointed the following committee: Messrs. Reed, VanValzah, Thompson, Connor and Humphreys.



House Bill No. 647. Introduced by Mr. Osborn of Elkhart, was read the second time and referred to the committee on elections.

House bill No. 648. Introduced by Mr. Willard, was read the second time and referred to the committee on ways and means.

House bill No. 650. Introduced by Mr. March, was read the second time and referred to the committee on the judiciary.

House bill No. 651. Read the second time and referred to the committee on the judiciary.

House bill No. 649. Introduced by Mr. Huthsteiner, was read the second time and referred to the committee on insurance.

House bill No. 652. Introduced by Mr. Nave, was read the second time and referred to the committee on the judiciary.

House bill No. 653. Introduced by Mr. Saint, was read the second time and referred to the committee on roads.

House bill No. 654. Introduced by Mr. Herod, was read the second time and referred to the committee on the judiciary.

House bill No. 655. Introduced by Mr. Herod, was read the second time and referred to the committee on the judiciary.

House Bill No. 650. Introduced by Mr. Overmyer, was read the second time.

Mr. Overmyer moved that the bill be ordered engrossed.

On which motion Messrs. Tulley and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Campbell, Carter, Connaway, Connor, Copeland, Davidson, Davis, Donnell, Faulkner, Galbraith, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Watson and Works—53.

Those who voted in the negative were: Messrs. Alden, Baker, Barker, Briggs, Caldwell, Carey, Confer, Cunningham, Dailey, Dalton, Drover, Edwins, Garrouette, Ginz, Handy, Kester, Lehman, Miers, Mitchell, Nave, Shields, Thompson, Tulley, VanValzah and Willard—26.

The motion was agreed to.

Engrossed House Bill No. 544 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Confer, Connor, Dalton, Davidson, Davis, Drover, Edwins, Flodder, Garrouette, Ginz, Golden, Harland, Herod, Hess, Hopkins, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Reed, Robinson, Rodman, Schweitzer, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vanpelt, VanValzah, Willard and Wimmer—57.

Those who voted in the negative were: Messrs. Blockley, Carter, Connaway, Cunningham, Dailey, Donnell, Faulkner, Galbraith, Handy, Hubbard, Humphreys, Miers, Mitchell, Nave, Scholl, Shields, Stucker, Thayer, Tulley, Watson and Works—21.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker resumed the chair.

House Bill No. 620 was read the third time and put upon its passage.

House Bill No. 658. Introduced by Mr. Herod, entitled "An act to amend an act authorizing insurance companies to reinsure their risks and close up their business, approved March 11, 1867."

Read the first time.

House Bill No. 659. Introduced by Mr. Connor, entitled "An act for the protection of the consumers of milk."

Read the first time.

On motion of Mr. Huthsteiner, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## THURSDAY MORNING.

MARCH 13, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Faulkner, the further reading was dispensed with.

The passage of House bill No. 620, pending at adjournment, the same was resumed.

Mr. Faulkner moved that the bill be recommitted to a select committee of five.

Which was agreed to.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill No. 636, recommend that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill No. 647, entitled "An act to protect the purity of elections and prevent illegal voting," have had the same under consideration and have instructed me to report the same back, with instructions that it do pass.

Report concurred in and the bill ordered engrossed.



Mr. Overmyer, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee on ways and means, to whom was referred the resolution introduced by Mr. Shanks on the subject of making provision for a loan to build the new State House, have had the same under consideration and direct me to report it back, with the recommendation that it do lie on the table, for the reason that a bill upon the subject of the resolution has been passed by the House.

Which was concurred in.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred engrossed Senate bill No. 392, instruct me to report the same back, with the recommendation that the bill do pass.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 645, direct me to report the bill back to the House, recommending that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 648, direct me to report the same back, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns have had Senate bill No. 55 under consideration and have directed me to report the same back to the House, with the recommendation that it do pass.

Report concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate Bill No. 122, have had the same under consideration and report the same back, with the recommendation that the same do pass.

Report concurred in.

Mr. Stucker, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House bill No. 388, have had the same under consideration and report the same back, with the recommendation that it do lie on the table.

Report concurred in.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred Engrossed Senate bill No. 197, "An act to protect the ballot box, to procure a fair election and to prevent the sale and barter of votes, and defining certain misdemeanors and prescribing punishment therefor, have had the same under consideration and have instructed me to report the same back with the recommendation that it do lie on the table.

Report concurred in.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture, to whom was referred House bill No. 635, direct me to report the same back, recommending that all after the enacting clause of section 1 be stricken out, and the same amended to read as follows:

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 1 of the above entitled act be amended to read as follows, to-wit:

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the boards of commissioners of the different counties of this State to direct by an order entered on the order book of said board of commissioners, what kind of animals shall be allowed to pasture or run at large upon the unincloded

lands or public common within the bounds of any township in their respective counties. *Provided*, That in no case shall the board of commissioners have the power to permit or direct that swine shall be allowed to so pasture or run at large.

That section 2 be amended to read as follows:

Sec. 2. The boards of commissioners of the different counties of this State shall specify in said order by name the kind of animals other than swine that shall run at large or pasture upon the uninclosed land or public common within the different townships in the county, and also what particular class of the said kinds of animals, whether male or female, and of what age shall be so allowed so to run at large.

That section 3 be amended to read as follows:

Sec. 3. Whenever any animal shall be found running at large or pasturing upon any of the uninclosed lands or public common of any county in this State which shall not be specified in the order of the board of commissioners of said county, as in sections 1 and 2 of this act provided, to have the right to so run at large or pasture thereon, any person being a resident of such township shall be authorized to take up and impound said animal in any private or public pound within said township.

And when so amended the bill do pass.

Mr. Owen moved that the bill be indefinitely postponed.

Which was agreed to.

The Speaker reported that he had signed House concurrent resolutions Nos. 23 and 25, and House joint resolution No. 22, and enrolled House act No. 303.

Mr. Briggs, from the committee on organization of courts, submitted the following report:

MR. SPEAKER:

The committee on the organization of courts, to whom was referred engrossed Senate bill No. 21, "An act to amend sections 1, 5, and 7," etc., have had the same under consideration and instruct me to report the same back to the House, with the recommendation that it do lie on the table.

Mr. Overmyer moved that the report do lie on the table.

Which was not agreed to.

The report was then concurred in.



Mr. Works moved that the minority report of the committee on investigation of Auditor of State's office be taken from the table.

Which was agreed to.

Mr. Osborn, from the committee on investigation of the State Auditor's office, submitted the following majority report of said committee:

MR. SPEAKER:

Your special committee, appointed to investigate concerning certain matters connected with the administration of the office of Auditor of State, and directed to report:

First. The amount of fees received by the predecessor of the present Auditor of State.

Second. Whether any such fees were illegally charged or taken by him; and

Third. Whether the said officer has failed to pay over any money which by law belonged to the State, beg leave to report that they immediately proceeded with the investigation as directed, and propounded certain interrogatories to E. Henderson, the former Auditor of State, who promptly and fully answered the interrogatories propounded. The interrogatories and answers given are filed herewith, marked "exhibit A."

The first subject given us to investigate, viz: The amount of fees received by said Henderson during his term of office is a question of fact merely, to determine which every facility was readily accorded us by Mr. Henderson, and the statement included in the report of this committee is undoubtedly nearly if not quite correct as to the amounts received and the sources from which they were derived, and need not be repeated in this report.

As to the second subject matter of our investigation, viz: Whether any portion of the fees charged and collected by said Henderson were illegally charged or collected we unhesitatingly say "no."

The only fees charged or received by him were derived from two sources, viz:

First. From foreign insurance companies; and

Second. For charges for furnishing and making out certain copies and transcripts of records in the land department of his office.

We believe it is not now claimed by any one that he charged or collected any illegal fees from the insurance companies. We have been unable to find any charged or collected by him but such as were clearly authorized by the statute. But it is claimed that he

had no right to charge or collect anything from persons obtaining copies and transcripts of records in the land department of his office. The facts are undisputed that in making out copies or transcripts for persons who desired them, Mr. Henderson employed the labor to be done by persons not employed or paid by the State, but he paid for such labor with his own means, and received pay from the persons requesting the services to be rendered by virtue of contracts made with them as to the amount they should pay, and not as fees simply due to him as such officer without contract.

We consider that he was amply justified in doing this by the terms of the statute approved May 27, 1852, entitled "An act prescribing the powers and duties of the Auditor of State."

Section 15 is as follows: "He shall furnish copies of all or any part of such registers, descriptions or maps when so required by any board of county commissioners, or other person, at the expense of the board or person demanding the same."

Although the land department, as a separate department, has been added to the Auditor's office since the enactment of the above law, yet we think any court would hold that it was intended to, and does govern the Auditor as to his rights and duties concerning the making of all copies and transcripts of the records, field notes, maps, etc., in his office, as without the statute there would be no law compelling him to give such transcripts or copies to persons desiring to obtain them.

As to the third subject matter of our inquiry, viz: Whether said Henderson has failed to pay over any money which by law belonged to the State?

If the inquiry be confined to the fees charged and collected of the insurance companies, and to moneys received for copies and transcripts in the land department (which, as we understand, were the only matters intended to be reached by the resolution upon which the committee was appointed,) the answer will be determined for or against the former Auditor by the construction that shall be given certain statutes concerning the fees chargeable against the foreign insurance companies. Upon the construction of the statutes as adopted by the said Auditor, and which we believe to be the correct construction, the State is not entitled to any of the money derived by said Auditor, and retained by him; but he was authorized to keep such fees as part of the emoluments of his office.

A brief reference to the statutes will suffice to show the grounds upon which we base our conclusion, and the construction which we deem to be correct. Prior to the act of 1875, amending section 3 of the act of 1865, the Auditor was entitled to receive and keep all the fees and charges accruing in the administration of his office, as the emoluments of his office, in addition to the small salary allowed him by law. The act of 1875 changed the rule as to the two specific fees or charges mentioned in the act, viz: Five dollars for the examination of the statement, etc., and two dollars for each certificate of authority, etc.

As to these charges, the act of 1875 provided that they should be collected "for the State of Indiana," and that they should be paid into the treasury, less twenty-five per centum thereon, which the Auditor might retain. It is conceded that he has fully accounted for and paid over all the fees received, as required by this act.

The act did not, either by terms or implication, require the Auditor to pay into the treasury any portion of the other fees and charges he was then receiving, and as a matter of fact, such other fees and charges were all kept and retained by the Auditor (the predecessor of Mr. Henderson) in the same manner as had been done before the passage of the act.

In 1877 the law of 1865 was again amended, and a supplemental section added, by which other and additional charges and fees were imposed upon the foreign insurance companies, viz: Wherever, by the laws of any other State, greater fees or charges were imposed upon the insurance companies of Indiana or other States, than was authorized by the laws of this State, then equal and additional fees or charges should "in like manner, for like purposes" be imposed upon the insurance companies of such States.

Under this statute greater and additional fees and charges were imposed upon and collected from the foreign insurance companies doing business in this State than was authorized under the law of 1875. It is these additional fees and charges, which it is claimed, are collected for the State, and seventy-five per centum of which ought to be turned into the treasury to increase the revenues of the State, in accordance with the terms of the law of 1875.

We can see no foundation for the claim—

1. Because the law of 1875, by which, alone, any of the monies are to be turned into the treasury, referred only to the two specific items named, to-wit: the five dollar and two dollar charges. These



additional fees or charges were not then known to or authorized by any law of the State.

2. The law of 1877, by which, alone, these additional fees and charges were made lawful, was not amendatory to the act of 1875, but was amendatory and supplemental to the act of 1865, and nothing whatever can be found in the law of 1865 or in the act of 1877 compelling or authorizing any of the money derived from any such fees and charges to be paid over into the treasury.

Again, the act of 1875, by its express terms, required the money derived from the five dollars and two dollars charges, to be collected "for the State of Indiana;" while by the express terms of the act of 1877, these additional fees and charges were to be collected for the same purposes that the corresponding charges were collected for by the States imposing them. In other words, if any of the States imposing such fees and charges had, by their law, required that the money derived therefrom should be turned into the school fund, the law of 1877 would require the same disposition to be made of the money in this State; therefore, by the very terms of the law of 1877, in order to determine what shall be done with the money derived from these additional fees and charges, which that law alone authorized, we must go not to the act of 1875, nor to any other law of this State, but we must be governed entirely by the law of the State where the foreign insurance company belongs which we compel to pay the additional fees and charges.

It will be readily seen that, under the law of 1877, not only was the amount of the additional fees and charges different as applied to different companies, but the disposition to be made of the money might also be different, owing entirely to the difference in these respects of the laws of the several States where the companies were located.

It is not shown that any of the States require the money derived from such fees and charges to be paid into the treasury, for the purpose of increasing the general fund of revenue of the State. The State of New York, it is said, requires this money to be paid into her state treasury, but an examination of the law of that State will show that not a dollar of the money is allowed to be used for the benefit of the treasury or to increase the general revenue of the State; on the contrary, an insurance bureau or department is created, and all the monies derived from the taxes or charges upon insurance companies are devoted exclusively to the purpose of supporting that department, and especial care is taken that none of the money shall go

to the general revenue of the State, by providing that the officers of that department may increase the fees and charges if they are found not sufficient, and shall decrease them if they are found more than sufficient to support the department. It is true that the Attorney General has come to a different conclusion than is herein expressed by us, but he only does so because, in his own language, he construes the words "for like purposes," as used in the Act of 1877, to have reference only to "the reason for imposing the burden, and not to the application of money derived therefrom." We think his construction of the words can not be maintained, and is evidently foreign to their intent and purpose as used in this act.

It must be kept in view that the settled policy and practice of the State has been to give the Auditor, as emoluments of his office, all the fees accruing from the administration of it, and that this policy was only departed from by the law of 1875 as to the two specific items named, while the general practice was still continued as to all other fees accruing.

Under such circumstances it is necessary to show an affirmative statute, requiring these additional fees to be paid into the treasury, before it can be said that such fees belong to the State, and not to the Auditor. Such affirmative statute does not, in terms, exist, and an inference that a part of the fees ought to belong to the State can only be drawn by indulging in the supposition that the legislature intended to do what it did not do by the law of 1877, and in order to indulge this inference violence must be done to the language actually used.

As to the item of postage stamps, for which the Auditor has obtained credit in his expense account, and for which he has also charged and received payment from the insurance companies, it is evident that he ought not to have been credited with the amount, and to that extent the said Henderson has money in his hands which belongs to the State. We recognize the fact that the question as to whether Mr. Henderson ought to account to the State for any portion of the monies received by him from these additional fees and charges, authorized by the law of 1877, is one wholly of the proper construction of the statute, which is by no means plain or free from ambiguity, and about which men and courts may and are very likely to honestly differ in opinion.

And, while we have arrived at what we believe to be the correct conclusion of the matter, yet, in view of the fact that others, called upon to examine the question, have arrived at a different conclusion,

we recommend the adoption of the resolution hereto appended, in order that the matter may be finally settled by a competent court, whose judgment what construction shall be given to the statute will be final.

We have considerable doubts as to the validity of the law we have been discussing, but have examined it as though there was no doubt upon that subject.

JOHN C. BRIGGS,

R. W. MIERS,

J. S. DAILEY,

J. D. OSBORN,

Of the Committee.

*Resolved*, That the Attorney General be, and he is, hereby instructed to commence an action in some competent court for the recovery of all the monies that may have been received by Mr. E. Henderson, while Auditor of State, to which the State may, in the opinion of the Attorney General, be entitled, and to prosecute such action to final judgment, if possible, in such a manner as to obtain a judicial construction of the statutes, relative to the proportion or amount of monies received from insurance companies to which the State is entitled.

Mr. English was called to the chair.

The Speaker reported that he had signed enrolled Senate acts Nos. 169, 280 and 22, and House act No. 637.

On motion of Mr. Willard, the House adjourned.

---

## AFTERNOON SESSION.

MARCH 13, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The chair appointed the following select committee on House bill No. 620, to-wit: Messrs. Overmyer, March, Baker, Humphreys and Miers.



The following message was received from the Governor:

*Gentlemen of the House of Representatives:*

I was in waiting until midnight of Saturday last, being the fifty-ninth day of the regular session, to receive any communication which you desired to make to me. On Monday afternoon members, acting for the committee on enrolled bills, proposed to present to me certain bills, but upon suggestion of the constitutional provisions that no bills shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly, they agreed with me that it would be an idle ceremony and withdrew. On Tuesday last, being the first day of the special session, and also the first of the five days next after the final adjournment allowed by the constitution to the Governor for his consideration of bills received during the closing days of the regular session, House bills numbered 14, 15, 55, 122, 126, 195, 237 and 578, and eleven bills which had originated in the Senate were presented to me, I at once requested the Attorney General to ascertain from your journals the condition in which they appeared to have been left, and to give me his opinion whether they had been presented to me within the time required by the constitution. The important Senate bill numbered 17 had not been authenticated by being signed by the presiding officers of the respective houses, and the enrolled transcript was accordingly returned to the files of the Senate for further action. The Attorney General has given me his opinion in writing, which is as follows:

STATE OF INDIANA, OFFICE OF ATTORNEY GENERAL,  
INDIANAPOLIS, MARCH 12, 1879.

SIR: By your direction I have examined the question whether bills which passed the late regular session of the General Assembly, but were not presented to you for your consideration within two days previous to the final adjournment, can not now be considered by you.

The provisions of the constitution on the subject will be found in section 14 of article 5, and read: "Every bill which shall have passed the General Assembly shall be presented to the Governor

\* \* \* \* \*

But no bill shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly." The "final adjournment" here referred to is the "final adjournment of the session at which the bills presented may have been passed."

Bills which pass one session of the General Assembly can not be presented to the Governor at another session of the same General Assembly. The act in relation to unfinished business of the General Assembly, approved December 6, 1872, does not affect the question. That act only refers to the business on the calendar on files of either house, and enables the two houses to take up the unfinished business at the point where it was left and proceed to dispose of it. The question here is not of that kind. It is whether bills disposed of at one session can be disposed of at the next. The constitution says not, and it must govern. None of the bills passed at the late regular session of the General Assembly, and not presented to you within two days previous to the final adjournment, can become laws without again going through the regular method provided by the constitution.

I have the honor to be,

Very respectfully,

T. W. WOOLLEN,

Attorney General.

To His Excellency, James D. Williams, Governor, etc.

Among the bills enumerated are some that should become laws, but it appears to me that I should not undertake, by my signature alone, to correct the omissions which have occurred, and that the General Assembly should place them in such condition upon its journals as to become laws by due course of parliamentary procedure. I have therefore concluded to file each bill with my formal objection to its becoming a law in this unusual manner, in the office of the Secretary of State. It will become his duty to lay the same before the General Assembly, at this as being its next session, in like manner as if it had been returned by me prior to the final adjournment. I address the Senate relative to the bills which originated there, and will return them in like manner to that House.

JAMES D. WILLIAMS.

Governor's Office, March 13, 1879.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the President of the Senate has signed Enrolled House Resolution No. 23, in relation to extra pay for the Reading Clerks of the House of Representatives and the Senate, and the same is hereby returned to the House.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed House Joint Resolution No. 21.

Also, that the Senate has concurred in House amendments to Engrossed Senate bill No. 125, by adding the following amendment: By inserting in the second section after the word "States," in the 5th line, the words "in any other State and brought into this State."

And the same is hereby submitted to the House for its further action thereon.

Senate amendments to House amendments to Senate bill No. 125 were concurred in.

Mr. English was called to the chair.

The consideration of the report of the special committee on the investigation of Auditor of State's office pending at adjournment, the same was resumed.

Mr. Willard moved that both reports do lie on the table.

Mr. Sleeth called for a division of the question.

It was so ordered.

The first question being upon laying the minority report on the table.

Messrs. Lindley and Wimmer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Barker, Briggs, Caldwell, Compton, Cunningham, Dailey, Dalton, Drake, Drover, Edwins, English, Fleming, Galbraith, Garrouette, Handy, Humphreys, Kester, Miers, Mitchell, Nave, Osborn of Elkhart, Reichelderfer, Saint, Scholl, Thompson, VanValzah and Willard—29.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Davidson, Davis, Donnell, Fancher, Faulkner, Golden, Harland, Herod, Hess, Hopkins, Huthsteiner, Johnston, Kelly, Lehman, Lindley, Major, March, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange,



Taylor of Warrick, Thayer, Thornburg, Vawter, Watson, Wimmer, Works and Mr. Speaker—53.

The report was not laid on the table.

The question being upon laying the majority report on the table. Messrs. Hess and Reed demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Davis, Donnell, Drake, Fancher, Galbraith, Golden, Handy, Harland, Herod, Hess, Hopkins, Johnston, Kelly, Kester, Lindley, Major, March, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vawter, Watson, Wimmer and Works—55.

Those who voted in the negative were: Messrs. Allen, Baker, Barker, Briggs, Caldwell, Compton, Cunningham, Dailey, Dalton, Davidson, Drover, Edwins, English, Faulkner, Fleming, Garrouette, Ginz, Humphreys, Huthsteiner, Lehman, Miers, Osborn of Elkhart, Reichelderfer, Saint, Stucker, Thompson, Tulley, VanValzah and Willard—29.

The majority report was laid on the table.

Mr. Johnston moved that the minority report be adopted and demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

So ordered.

The question being on the adoption of the minority report.

Messrs. Reed and Hess demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Davis, Donnell, Drake, English, Fancher, Faulkner, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Lehman, Lindley, Major, March, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman,

Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warriek, Thayer, Thornburg, Vawter, Watson, Wimmer, Works and Mr. Speaker—58.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Caldwell, Compton, Cunningham, Dailey, Dalton, Davidson, Drover, Edwins, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Kester, Nave, Osborn of Elkhart, Reichelderfer, Saint, Scholl, Thompson, Tulley, VanValzah and Willard—30.

The motion was agreed to.

Mr. Willard submitted the following resolution:

*Resolved by the House of Representatives (the Senate concurring therein),* That this General Assembly will adjourn sine die on Monday, March 24, A. D. 1879.

Mr. Shanks moved to amend by adding the following words: "If we are ready to do so."

Mr. Sleeth submitted the following substitute to the resolution of Mr. Willard:

*Resolved by the House of Representatives (the Senate concurring therein),* that the General Assembly will, before taking up matters of general legislation, proceed at once to perfect and pass the general and specific appropriation bills and the State House bill, and no other business shall be taken up until they are finally disposed of, and that, upon their passage, we immediately adjourn *sine die*.

Mr. Lehman moved that the resolution, amendment and substitute do lie on the table.

On which motion Messrs. Faulkner and Willard demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Confer, Cunningham, Dailey, Davidson, Davis, Drover, Edwins, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hess, Johnston, Kelly, Kester, Lehman, Major, March, Mitchell, Nave, Osborn of Elkhart, Reichelderfer, Scholl, Schweitzer, Shanks, Shauck, Taylor of Lagrange, Taylor of Warriek, Thayer and Wimmer—43.

Those who voted in the negative were: Messrs. Arnold of Grant, Carey, Conipton, Connaway, Connor, Copeland, Donnell, English, Fancher, Faulkner, Harland, Herod, Hopkins, Hubbard, Humphreys, Huthsteiner, Lindley, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Saint, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Thompson, Vanpelt, VanValzah, Vawter, Watson, Willard and Works—37.

The motion to lay on the table prevailed.

Mr. Hess moved that the House do now proceed to take up the business on the Speaker's table.

Which was agreed to.

The following message was received from the Senate:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed enrolled Senate bill No. 59.

Also, engrossed Senate bills Nos. 62, 79, 83, 444, 445, 446, 448, 449, 450, 451 and 452.

And the same are herewith transmitted to the House for its action thereon.

Engrossed Senate Bill No. 59, entitled "An act to amend the twenty-second section of an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties, approved June 11, 1852."

Read the first time.

Engrossed Senate Bill No. 62, entitled "An act to amend section 2 of an act entitled an act to amend section 2 of an act entitled an act to secure dues from private corporations and to extend their immunities to all citizens who may organize on the same terms, approved February 25, 1859, approved March 13, 1875."

Read the first time.

Engrossed Senate Bill No. 444, entitled "An act to provide for the organization and support of an asylum for feeble minded children, to provide for the appointment by the Governor of a board of trustees of the soldiers' orphans' home and for said asylum, and to abolish the office of trustee of the soldiers' orphans' home, and to repeal the act on the same subject, approved March 7, 1879, and declaring an emergency."

Read the first time.



Engrossed Senate Bill No. 445, entitled "An act touching foreign corporations, and providing that certain acts thereof shall work forfeitures."

Read the first time.

Engrossed Senate Bill No. 446, entitled "An act defining libel, to prevent the publication thereof, and providing punishment therefor."

Read the first time.

Engrossed Senate Bill No. 448, entitled "An act authorizing the surrender of city charters or municipal organization of any city whose population shall be less than seven thousand inhabitants, and reserving all vested rights and contracts made before such surrender."

Read the first time.

Engrossed Senate Bill No. 449, entitled "An act to exempt the wages of laborers from garnishment and proceedings supplemental to execution in certain cases."

Read the first time.

Engrossed Senate Bill No. 450, entitled "An act defining the time for holding general elections and fixing the time at which certain acts connected therewith shall be done."

Read the first time.

Engrossed Senate Bill No. 451, entitled "An act to legalize the acts of the common council and of the mayor of the town of Huntington, Huntington county, Indiana, and all other officers of said corporation, under an act to amend section 5 of an act to incorporate the town of Huntington, approved March 7, 1873, and declaring an emergency."

Read the first time.

Engrossed Senate Bill No. 452, entitled "An act to amend section 3 and repeal section 4 of an act entitled an act for the relief of the Lye Creek Draining Association, approved March 10, 1873."

Read the first time.

Engrossed Senate Bill No. 79, entitled "An act to secure more efficient work and material in the performance of contractors for public works, and to prohibit officials from being in any manner interested therein, other than as an official, prescribing penalties for violation of its provisions, and declaring certain persons ineligible to State offices, and declaring an emergency, and other matters in connection with public works."

Read the first time.

Engrossed Senate Bill No. 83, entitled "An act to amend section 9 of an act entitled an act providing for the election and qualification of justices of the peace and defining their powers and duties in civil cases, approved June 9, 1852."

Read the first time.

The Speaker resumed the chair.

Mr. Overmyer moved that the constitutional rules be suspended, and that House bill No. 660 be read the first and second time by title, considered engrossed and read the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Donnell, Drover, English, Faulkner, Fleming, Flodder, Galbraith, Garroutte, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, Miers, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Saint, Scholl, Schweitzer, Shauck, Shields, Shatt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—82.

Those who voted in the negative were: Messrs. Fancher and Willard—2.

The rules were suspended.

House Bill No. 660. Introduced by Mr. Lehman, entitled "An act to legalize the election held in the year 1878 in the town of Edinburg, Johnson county, and State of Indiana, and to legalize the official acts of the board of trustees of said town for said year, and to legalize the acts of all other officers of said corporation for said year under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties, approved June 11, 1852, and to legalize all by-laws, rules and regulations, approved June 11, 1852, and declaring an emergency."

Read the first time.

House Bill No. 660 was read the second time and passed to the third reading.

House Bill No. 660, introduced by Mr. Lehman, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Fleming, Flodder, Galbraith, Garroutte, Ginz, Golden, Handy, Harland, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer and Mr. Speaker—76.

Mr. Faulkner voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Overmyer moved that the constitutional rules be suspended and that House bill No. 661 be read the first and second times by title, considered engrossed, and read the third time and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Donnell, Drover, English, Faulkner, Fleming, Flodder, Galbraith, Garroutte, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, Miers, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer,



Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—82.

Those who voted in the negative were: Messrs. Fancher and Willard—2.

The rules were suspended.

House Bill No. 661. Introduced by Mr. Caldwell, entitled "An act to legalize certain acts of the board of commissioners of Clinton county in the purchase of certain grounds at sheriff's sale, vesting a sufficient title thereto in the said county, providing for the payment thereof, and other matters properly connected therewith, and declaring an emergency.

Read the first time.

House Bill No. 661 was read the second time and passed to a third reading.

House Bill No. 661, by Mr. Caldwell, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Fleming, Fiodder, Galbraith, Garrouette, Golden, Handy, Herod, Hess, Hopkins, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Major, March, Miers, Mitchell, Overmyer, Owen, Reed, Robinson, Rodman, Saint, Scholl, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warriek, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Wimmer and Works—71.

Those who voted in the negative were: Messrs. Faulkner and Lindley—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Overmyer moved that the constitutional rule be suspended, and that House bill No. 662 be read the first and second times by title, considered engrossed, read the third time by sections, and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, Miers, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—82.

Those who voted in the negative were: Messrs. Fancher and Willard—2.

The rules were suspended.

House bill No. 662. Introduced by Mr. Shutt, entitled "An act to legalize the incorporation of the town of Auburn, DeKalb county, Indiana, approved June 11, 1852, and declaring an emergency."

Read the first time.

House bill No. 662 was read the second time and passed to a third reading.

Engrossed House bill No. 662, introduced by Mr. Shutt, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Fleming, Galbraith, Garrouette, Golden, Handy, Herod, Hess, Hopkins, Humphreys, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Reed,

Robinson, Rodman, Scholl, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—70.

Mr. Faulkner voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Overmyer moved that the constitutional rule be suspended and that House bill No. 663 be read the first and second time by title, considered engrossed and read the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, Miers, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—82.

Those who voted in the negative were: Messrs. Fancher and Willard—2.

The rules were suspended.

House Bill No. 663. Introduced by Mr. Hopkins, entitled "An act to amend the charter of the city of Evansville, and to enable said city to change its corporate name to the city of Lamasco, and declaring an emergency."

Read the first time.

House Bill No. 663, was read the second time and passed to a third reading.



Engrossed House Bill No. 663, introduced by Mr. Hopkins, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Garrouette, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Major, March, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shutt, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—74.

Those who voted in the negative were: Messrs. Galbraith and Lehman—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Overmyer moved that the constitutional rule be suspended, and that House bill No. 664 be read the first and second times by title, considered engrossed, and read the third time by sections, and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, Miers, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of La-

grange, Taylor of Warriek, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—82.

Those who voted in the negative were: Messrs. Fancher and Willard—2.

The rules were suspended.

House bill No. 664. Introduced by Mr. Scholl, entitled "A bill for an act for the relief of the estate of John T. Bishop, deceased, and Alman Lyons, Jacob C. Neff and Robert M. Carney, on the official bond of R. K. Rhea, former trustee of Washington township, Cass county, Indiana, and declaring an emergency."

Read the first time.

House bill No. 664 was read the second time and passed to a third reading.

Engrossed House bill No. 664 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Cunningham, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garroutte, Golden, Handy, Harland, Herod, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warriek, Thompson, Vanpelt, Vawter, Watson, Willard, Works and Mr. Speaker—70.

Mr. Lindley voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 447, entitled "An act amending sections 1, 2 and 20 of an act providing for the election and appointment of supervisors of highways, and prescribing certain of their

duties, and those of county and township officers in relation thereto, and to repeal all laws inconsistent therewith, approved March 5, 1877."

Read the first time.

Engrossed Senate Bill No. 454, entitled "An act to repeal an act to amend the first and thirteenth sections of an act to establish superior courts, defining their jurisdiction, and providing for the election and compensation of the judges thereof, approved February 15, 1871, and supplemental thereto, approved March 5, 1877, and reviving said amended section."

Read the first time.

Mr. Overmyer moved that the constitutional rule be suspended, and that House bill No. 665 be read the first and second time by title and considered engrossed, and read the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, Miers, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—82.

Those who voted in the negative were: Messrs. Fancher and Willard—2.

The rules were suspended.

House Bill No. 665. Introduced by Mr. Johnston, entitled "An act for the relief of John R. Robinson, former trustee of Union township, in the county of Montgomery, State of Indiana, and Henry Sperry, M. J. Janes, deceased, and the estate of Jacob Davis, deceased, sureties upon his bond as such trustee from the payment of a certain judgment in the Montgomery Circuit Court, obtained



against them from and on account of the confusion of the several township funds by said Robinson while acting as such trustee."

Read the first time.

House bill No. 665 was read the second time and passed to a third reading.

Engrossed House Bill No. 665 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Faulkner, Flodder, Garrouette, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Major, March, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thompson, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—69.

Those who voted in the negative were: Messrs. Galbraith and Lindley—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Overmyer moved that the constitutional rule be suspended, and that House bill No. 666 may be read the first and second time by title and considered engrossed, and read the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English,

Faulkner, Fleming, Flodder, Galbraith, Garrouthe, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, Miers, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—82.

Those who voted in the negative were: Messrs. Fancher and Willard—2.

The rules were suspended.

House Bill No. 666. Introduced by Mr. Reed, entitled "An act to amend section 1 of an act entitled an act to provide for the incorporation of any public or private cemetery already laid out and recorded, where any of the lots therein are occupied for the burial of the dead, and to provide for its maintenance, improvements and additions thereto, the collection of assessments thereon, and the election of officers for its government, approved March 9, 1875."

Read the first time.

House Bill No. 666 was read the second time and passed to a third reading.

Engrossed House Bill No. 666. Introduced by Mr. Reed, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouthe, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Willard, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Overmyer moved that the constitutional rule be suspended and that House bill No. 667 be read the first and second time by title, considered engrossed, and read the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, Miers, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—82.

Those who voted in the negative were: Messrs. Fancher and Willard—2.

The rules were suspended.

House Bill No. 667. Introduced by Mr. Allen, entitled "An act supplemental to an act entitled an act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings and to purchase any grounds and building for school purposes."

Read the first time.

House Bill No. 667 was read the second time and passed to the third reading.

Engrossed House Bill No. 667, introduced by Mr. Allen, was read the third time and put upon its passage.



The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Compton, Confer, Connor, Cunningham, Dailey, Dalton, Donnell, Drake, Drover, English, Fancher, Flodder, Garrouette, Ginz, Golden, Handy, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Lehman, Major, March, Mitchell, Osborn of Elkhart, Overmyer, Owen, Reed, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thompson, Vanpelt, Vawter, Wimmer and Mr. Speaker—62.

Those who voted in the negative were: Messrs. Briggs, Conna-way, Faulkner, Galbraith, Humphreys, Kester, Lindley, Osborn of Vermillion and Willard—9.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Golden moved that House bills Nos. 546, 547 and 548 be referred to the same select committee to which House bill No. 620 was referred.

Which was agreed to.

Mr. Humphreys moved that the constitutional rules be suspended and that engrossed Senate bill No. 444 be read the second time by title and third time by sections, and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker,

Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—79.

No one voting in the negative.

The constitutional rules were suspended.

Engrossed Senate Bill No. 444 was read the second time and passed to a third reading.

Engrossed Senate Bill No. 444 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Cunningham, Dailey, Davis, Donnell, Drover, Edwins, English, Fancher, Flodder, Galbraith, Garroutte, Ginz, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Lehman, Lindley, Major, March, Miers, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shutt, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Vawter, Watson, Willard and Wimmer—63.

Those who voted in the negative were: Messrs. Briggs, Confer, Davidson, Drake, Handy, Humphreys, Huthsteiner, Kester, Kirkpatrick, Mitchell, Nave, Shields, Stucker, Tulley, Vanpelt and Mr. Speaker—16.

The bill was passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Willard entered a motion to reconsider the vote on the passage of House bill No. 544.

Mr. Humphreys moved that the constitutional rule be suspended, and that engrossed Senate bill No. 445 be read the second time by title and the third time by sections, and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The constitutional rules were suspended.

Engrossed Senate Bill No. 445 was read the second time and passed to a third reading.

Engrossed Senate Bill No. 445 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Flodder, Galbraith, Garrouette, Ginz, Handy, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Miers, Mitchell, Nave, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—74.

Mr. Fancher voted in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.



The Principal Clerk was directed to inform the Senate thereof.

Mr. Humphreys moved that the constitutional rules be suspended and that engrossed Senate bill No. 446 be read the second time by title, the third time by sections, and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The constitutional rules were suspended, and the bill read the second time by title and the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Flodder, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Vawter, Watson, Willard, Wimmer and Mr. Speaker—65.

Those who voted in the negative were: Messrs. Briggs, Caldwell, Confer, Cunningham, Edwins, Galbraith, Garrouette, Ginz, Handy, Humphreys, Schweitzer, Stucker, Thompson, Tulley and Vanpelt—15.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Humphreys moved that the constitutional rules be suspended and that engrossed Senate bill No. 447 be read the second time by title, the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Stenben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warriek, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The constitutional rules were suspended.

Engrossed Senate Bill No. 447 was read the second time and passed to the third reading.

Engrossed Senate Bill No. 447 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Caldwell, Campbell, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, Flodder, Galbraith, Garrouette, Ginz, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Major, Messick, Mitchell, Nave, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Snoddy, Stevens, Taylor of Lagrange, Taylor of

Warrick, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—60.

Those who voted in the negative were: Messrs. Blockley, Brown of Steuben, English, Handy, Lindley, Osborn of Vermillion, Owen, Shields, Shutt and Tulley—10.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Humphreys moved that the constitutional rule be suspended and that engrossed Senate bill No. 448 be read the second time by title, the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Comp-ton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The constitutional rules were suspended.

Engrossed Senate Bill No. 448 was read the second time and passed to a third reading.

Engrossed Senate Bill No. 448 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carter, Compton, Confer, Conaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Flodder, Galbraith, Garrouette, Ginz, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Robinson, Rodman, Saint, Scholl, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Tulley, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—65.

Those who voted in the negative were: Messrs. Blockley, Cunningham, English, Handy, Humphreys, Kirkpatrick, Owen, Stucker and Vanpelt—9.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Humphreys moved to suspend the constitutional rules and that engrossed Senate bill No. 449 be read the second time by title, the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Conaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The constitutional rules were suspended.

Engrossed Senate Bill No. 449 was read the second time and passed to a third reading.

Engrossed Senate Bill No. 449 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Compton, Confer, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Flodder, Galbraith, Garrouette, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Major, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Tulley, Vanpelt, Watson, Wimmer, Works and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Brown of Steuben, Cunningham, Stucker, Taylor of Lagrange and Taylor of Warrick—5.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Humphreys moved that the constitutional rule be suspended, and that engrossed Senate bill No. 450 be read the second time by title, the third time by sections, and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Reed, Reichelderfer, Robinson, Rodman, Scholl,

Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed Senate Bill No. 450 was read the second time and passed to a third reading.

Engrossed Senate Bill No. 450 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Compton, Confer, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Flodder, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Miers, Mitchell, Osborn of Vermillion, Overmyer, Reed, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—66.

Those who voted in the negative were: Messrs. Barker, Blockley, Carter, Cunningham, Galbraith, Garrouette, Stucker, Tulley and Willard—9.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Humphreys moved that the constitutional rule be suspended, and that engrossed Senate bill No. 451 be read the second time by title and the third time by sections, and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Conna-



way, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed Senate Bill No. 451 was read the second time and passed to a third reading.

Engrossed Senate Bill No. 451 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Barker, Briggs, Brown of Steuben, Caldwell, Campbell, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Edwins, Garrouette, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Mitchell, Osborn of Elkhart, Overmyer, Reed, Reichelderfer, Robinson, Rodman, Saint, Shanks, Shauck, Shields, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vawter, Works and Mr. Speaker—53.

Those who voted in the negative were: Messrs. Alden, Blockley, Brown of Jasper, Cunningham, Drover, Fancher, Flodder, Galbraith, Handy, Huthsteiner, Johnston, Miers, Osborn of Vermillion, Scholl, Schweitzer, Sleeth, Vanpelt, Watson, Willard and Wimmer—20.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion, Senate bill No. 131 was recommitted to the committee on cities and towns.

On motion of Mr. Lehman, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

---

## FRIDAY MORNING.

MARCH 14, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Connaway, the further reading was dispensed with.

Mr. Humphreys moved that the constitutional rule be suspended and that engrossed Senate bill No. 452 be read the second time by title, third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed Senate Bill No. 452 was read the second time and passed to a third reading.

Engrossed Senate Bill No. 452 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carter, Compton, Confer, Connaway, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Vermillion, Owen, Reed, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shields, Shutt, Sleeth, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vanpelt, Watson, Wimmer, Works and Mr. Speaker—71. •

Mr. Cunningham voted in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Humphreys moved that the constitutional rule be suspended and that engrossed Senate bill No. 453 be read the second time by title and third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson,



Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tully, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed Senate Bill No. 453 was read the second time and passed to the third reading.

Engrossed Senate Bill No. 453 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Caldwell, Campbell, Carey, Carter, Compton, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Fleming, Flodder, Galbraith, Garrouette, Golden, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Mitchell, Osborn of Elkhart, Overmyer, Owen, Reed, Robinson, Rodman, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—60.

Those who voted in the negative were: Messrs. Brown of Jasper, Cunningham, Faulkner, Handy, Humphreys, Johnston, Miers, Osborn of Vermillion, Schweitzer, Stucker and Willard—11.

The bill passed.

The question being, shall the title of the bill stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Humphreys moved that the constitutional rules be suspended, and that Engrossed Senate bill No. 454, be read the second time by title, third time by sections, and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Blackford, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell,

Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The constitutional rule was suspended.

Engrossed Senate Bill No. 454 was read the second time and passed to the third reading.

Engrossed Senate Bill No. 454 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Carter, Compton, Confer, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vanpelt, Vawter, Watson, Works and Mr. Speaker—79.

Those who voted in the negative were: Messrs. Willard and Wimmer—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Governor :

*To the House of Representatives :*

I respectfully return House bills Nos. 122, 231, 14, 15, 55, 126, 195, 578, without my signature. I object to their becoming laws because they were presented to me after and not prior to the two days previous to the final adjournment of the General Assembly.

JAMES D. WILLIAMS.

Governor's Office, March 14, 1879.

Mr. Arnold of Wabash, moved to reconsider the vote by which House bill No. 392 was lost.

Mr. Watson moved that the motion do lie on the table.

On which motion Messrs. Hess and Arnold demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Brown of Jasper, Brown of Steuben, Carter, Compton, Confer, Copeland, Cunningham, Dalton, Davidson, Davis, Edwins, Flodder, Galbraith, Garrouette, Ginz, Handy, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnson, Kester, Kirkpatrick, Major, Osborn of Elkhart, Osborn of Vermillion, Rodman, Scholl, Schweitzer, Shauck, Shutt, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Watson and Wimmer—42.

Those who voted in the negative were: Messrs. Arnold of Wabash, Briggs, Caldwell, Campbell, Carey, Connaway, Connor, Dailey, Donnell, Drake, Drover, English, Faulkner, Fleming, Golden, Harland, Herod, Hess, Hopkins, Lindley, Messick, Miers, Nave, Overmyer, Owen, Reed, Reichelderfer, Robinson, Shanks, Shields, Skinner, Snoddy, Vanpelt, Vawter, Willard, Works and Mr. Speaker—36.

The motion was agreed to.

Mr. Compton submitted the following resolution:

*Resolved by the House of Representatives (the Senate concurring);* That the special session of the Fifty-first General Assembly of the State of Indiana will adjourn *sine die*, at 10 o'clock A. M., Saturday, March 22, 1879.

Mr. Arnold of Wabash, moved that the resolution do lie on the table.



Messrs. Willard and Compton demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Wabash, Bearss, Briggs, Brown of Jasper, Caldwell, Carey, Confer, Connaway, Dailey, Davidson, Davis, Donnell, Flodder, Garroutte, Ginz, Golden, Hess, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, March, Messick, Miers, Nave, Reed, Reichelderfer, Scholl, Shanks, Shauck, Shutt, Skinner, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Van Valzah, Wimmer and Works—44.

Those who voted in the negative were: Messrs. Alden, Baker, Blockley, Brown of Steuben, Campbell, Compton, Connor, Copeland, Cunningham, Dalton, Drover, Edwins, English, Faulkner, Galbraith, Handy, Harland, Herod, Hopkins, Hosmer, Humphreys, Lindley, Major, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Robinson, Rodman, Schweitzer, Shields, Stevens, Stucker, Thompson, Tulley, Vawter, Watson, Willard and Mr. Speaker—40.

The motion to lay on the table was agreed to.

The Speaker reported that he had signed enrolled Senate acts Nos. 258 and 194.

Mr. Dalton, from the committee on public buildings, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred communication of the State Librarian, "suggesting that the House of Representatives make some arrangement with the county commissioners of Marion county in respect to storing the furniture of the State," beg leave to report that in their opinion it is the duty of the Librarian to take care of the State property.

House Bill No. 668. Introduced by Mr. Overmyer, entitled "An act to establish a board of pardons, and defining certain powers and duties thereof."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 453.

And the same is herewith submitted to the House for its action thereon.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bills Nos. 454 and 447, and the same is hereby submitted to the House for its action thereon.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the President has signed enrolled House joint resolutions No. 22.

Also, House concurrent resolutions Nos. 23 and 25.

Also, House enrolled acts Nos. 228, 303 and 637.

And the same are hereby returned to the House.

House bill No. 657. Introduced by Mr. Taylor of Daviess, was read the second time and referred to the committee on the judiciary.

House bill No. 658. Introduced by Mr. Herod, was read the second time and referred to the committee on insurance.

House bill No. 659. Introduced by Mr. Connor, was read the second time and referred to the committee on agriculture.

Mr. Herod, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred engrossed Senate bill No. 131, report the same back, with the following amendments:

Strike out all of said bill after the enacting clause and insert the following, to-wit:

Section 1. That any city incorporated under the general laws of this State having a voting population of fifteen thousand voters, as shown by the poll books at any general, city or state election, in addition to the other officers provided by law, shall elect a police

judge at the general election at which the mayor shall also be elected, and shall hold his office for two years and until his successor is elected and qualified, and such police judge shall give the like bond as the mayor of cities having a less voting population is by law in his judicial capacity required to give, and he shall, from and after his due qualification, perform all the judicial duties by law now required to be performed by the mayor of cities having no police judge, and shall be entitled to the same fees and endowments as such mayor in his judicial capacity is entitled by law or ordinance to receive and retain as such compensation as may be provided by the common council and board of aldermen of such city.

Sec. 2. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Report not concurred in.

Engrossed Senate Bill No. 83 was read the second time and referred to the committee on organization of courts.

Engrossed Senate Bill No. 79 was read the second time and referred to the committee on ways and means.

Engrossed Senate Bill No. 62 was read the second time and referred to the committee on corporations.

Engrossed Senate Bill No. 59 was read the second time and referred to the committee on cities and towns.

Mr. English moved that engrossed Senate bill No. 131 do lie on the table.

Which was agreed to.

Mr. English moved to reconsider the vote by which engrossed Senate bill No. 131 was laid on the table, and to lay the motion on the table.

Which was agreed to.

Mr. Herod moved that engrossed Senate bill No. 21 be taken from the table.

Which was agreed to.

Engrossed House Bill No. 115 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Copeland, Cunningham, Dailey, Davidson, Davis, Drover, Edwins, English, Fleming, Garrouette, Galbraith, Ginz, Golden, Handy, Herod, Hosmer, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Major, Nave, Overmyer, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Stucker, Thayer, Thompson, Vanpelt, Vawter, Willard, Wimmer and Mr. Speaker—53.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Steuben, Campbell, Carey, Connaway, Connor, Donnell, Fancher, Faulkner, Hess, Hopkins, Hubbard, Johnston, Kelly, Lindley, March, Messick, Osborn of Vermillion, Owen, Skinner, Snoddy, Stevens, Taylor of Lagrange, Tulley, Van Valzah and Watson—26.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 638 was read the third time, and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Carey, Compton, Confer, Copeland, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, Fleming, Galbraith, Garrouette, Handy, Herod, Hopkins, Hosmer, Humphreys, Huthsteiner, Lehman, Messick, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Saint, Scholl, Shanks, Shields, Shutt, Stevens, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Wimmer and Mr. Speaker—48.

Those who voted in the negative were: Messrs. Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carter, Connaway, Connor, Cunningham, Donnell, English, Fancher, Faulkner, Golden, Harland, Hess, Hubbard, Johnston, Kelly, Kester, Kirkpatrick, Major, March, Overmyer, Owen, Reichelderfer, Robinson, Shanks,

Skinner, Snoddy, Taylor of Lagrange, Thayer, Thornburg, Willard and Works—33.

The bill failed to pass for the want of a constitutional majority.

Mr. Connor moved that the bill be recommitted.

Which was not agreed to.

Engrossed House Bill No. 368 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Conaway, Connor, Davidson, Davis, Donnell, Drake, Edwins, Golden, Harland, Herod, Hess, Hosmer, Kelly, Kester, Kirkpatrick, Lindley, March, Nave, Osborn of Elkhart, Overmyer, Owen, Reed, Robinson, Rodman, Shanks, Shauck, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vawter, Watson and Works—43.

Those who voted in the negative were: Messrs. Alden, Briggs, Copeland, Cunningham, Dailey, Dalton, Drover, English, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Ginz, Handy, Hopkins, Johnston, Lehman, Major, Messick, Mitchell, Osborn of Vermillion, Reichelderfer, Scholl, Schweitzer, Shields, Shutt, Stucker, Taylor of Warrick, Tulley, Vanpelt, VanValzah and Wimmer.—34.

The bill failed for the want of a constitutional majority.

Engrossed House Bill No. 442 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Wabash, Bearss, Briggs, Brown of Steuben, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drover, English, Fancher, Fleming, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Mitchell, Overmyer, Owen, Reed, Robinson, Rodman, Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, VanValzah, Vawter, Watson and Works—56.

Those who voted in the negative were: Messrs. Alden, Baker, Blockley, Brown of Jasper, Caldwell, Cunningham, Drake, Faulkner, Galbraith, Garrouette, Ginz, Hosmer, Humphreys, Johnston, Messick, Nave, Osborn of Elkhart, Osborn of Vermillion, Reichelderfer, Scholl, Shutt, Stucker, Vanpelt, Wimmer and Mr. Speaker—25.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Osborn of Elkhart was called to the chair.

Engrossed House Bill No. 428 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Campbell, Carey, Copeland, Cunningham, Davidson, Davis, Kirkpatrick, Lehman, Lindley, Schweitzer, Shanks, Thayer and Wimmer—14.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Compton, Confer, Connaway, Connor, Dailey, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Scholl, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warriek, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard and Works—69.

The bill failed to pass.

Messrs. Hopkins and Thornburg were granted leave of absence.

Mr. Faulkner moved to adjourn.

Which was not agreed to.

Mr. Cunningham was granted leave of absence until Monday night.



Mr. Thayer moved that when the House adjourn this afternoon it be until Monday at 2 o'clock P. M.

On which motion Messrs. Miers and Edwins demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Cunningham, Davis, Drake, English, Garrouette, Hess, Hopkins, Hosmer, Kester, Lehman, Owen, Reed, Reichelderfer, Schweitzer, Shanks, Shauck, Shields, Snoddy, Taylor of Lagrange, Thayer, Vanpelt, VanValzah, Vawter, Watson, Wimmer and Mr. Speaker—36.

Those who voted in the negative were: Messrs. Allen, Barker, Blockley, Briggs, Brown of Jasper, Carter, Compton, Connor, Copeland, Dailey, Dalton, Davidson, Donnell, Drover, Edwins, Fancher, Faulkner, Galbraith, Golden, Handy, Harland, Herod, Hubbard, Humphreys, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Robinson, Rodman, Scholl, Shutt, Sleeth, Stevens, Stucker, Taylor of Warrick, Thompson, Tulley, Willard and Works—49.

The motion was not agreed to.

Engrossed Senate Bill No. 325 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Compton, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Edwins, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman; Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vawter, Watson, Works and Mr. Speaker—74.

Those who voted in the negative were: Messrs. Fancher, Sleeth, Vanpelt and Willard—4.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion of Mr. Owen the House adjourned.

## AFTERNOON SESSION.

MARCH 14, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Overmyer, from the special committee to whom was referred House bill No. 620, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 620, respectfully report that they have had the same under consideration and report the following amendments thereto:

First. Amend by inserting in line 7, section 2, after the word "year," the following: "*Provided*, That nothing in this act shall be construed to affect present incumbents in the office of school trustee, but such incumbents shall serve out their respective terms as now prescribed by law."

Second. Amend by striking out the word "fifty," in line 6, section 12, and by inserting the word "thirty-five" in place thereof.

Third. Amend by striking out the words "one dollar," in line 8, section 12, and by inserting the words "fifty cents" in place thereof.

Fourth. Amend section 12 by adding thereto the following proviso, viz: "*Provided*, That in case the trustee or trustees of any school corporation shall have heretofore created any debt or obligation in the purchase of grounds, furniture, or for the purchase or

construction of any school buildings, and shall not have sufficient means to pay such debt or obligation, such trustees shall have power to levy annually an additional special school tax not to exceed fifteen cents on each one hundred dollars, and twenty-five cents on each poll, for the purpose of paying or liquidating such indebtedness or obligation until such debt or obligation shall have been paid."

Fifth. Amend by striking out the word "twenty-five," in line 3, section 13, and by inserting the word "twenty" in place thereof.

Sixth. Amend line 1, section 31, by striking out the words "the township trustees of the several townships," and by inserting the words, "the county commissioners of the several counties," in place thereof. Also amend section 31 by striking out all after the word "same" in line 28, and by inserting in place thereof the following, viz: "Whenever a vacancy shall occur in the office of county superintendent by death, resignation or removal, the said commissioners, on notice of the county auditor, shall assemble at the office of such auditor and fill such vacancy for the unexpired portion of the term in the manner herein provided, and the county auditor shall be clerk of such election in all cases, and shall keep the record of such election in a book to be kept for that purpose."

Seventh. Amend section 32 by adding the following thereto, viz: "*Provided*, That a six months license shall be regarded a trial license, and that an applicant who receives hereafter one six-months' license, in any county, shall not again be licensed in such county, unless he obtains a grade sufficient to obtain a twelve-months' license; and *Provided further*, That all applicants for license shall pay to the county superintendent a fee of one dollar for the examination, and no per diem shall be allowed such county superintendent for such examination."

Eighth. Amend section 39, by striking out in the first line the words "the county superintendent shall receive four dollars," and by inserting in the place thereof the following, viz: "The county commissioners shall fix the compensation of the county superintendent at not less than three dollars per day." Also, amend section 39 by striking out in line 17 the words "the whole number," and by inserting in place thereof the words "three-fourths of the whole number."

Ninth. Amend by striking out all of section 44, and by inserting in place thereof the following, viz: "Section 44: The county superintendent shall be empowered to hold township institutes each



for one day, or with the advice and consent of the trustees interested, joint township institutes, each for one day, for the instruction of the teachers, provided that, whenever practicable, townships shall be joined in groups of not more than four townships, and provided that teachers shall be required to attend no less than two nor more than three such township or joint institutes in any one year. The township trustees shall specify in a written contract with each teacher that such teacher shall attend the fall session of each institute contemplated herein for his township, or group of townships, or forfeit one day's wages for every day's absence therefrom; unless such absence therefrom shall be occasioned by sickness.

Tenth. Amend by inserting the following section, viz: Sec. 161. Whereas an emergency exists this act shall be in force from and after its passage.

Eleventh. Amend section 161 by numbering it section 162 and by striking out the words "that are now in force" in the sixth and seventh lines, and when so amended we recommend that the bill do pass.

Report concurred in.

Mr. Humphreys moved that House bill No. 203 be taken from the table and ordered engrossed.

Which was agreed to.

House Bill No. 669. Introduced by Mr. Bearss, entitled "An act to amend the nineteenth and twentieth sections of an act to provide for the opening, vacating and change of highways, approved June 17, 1852."

Read the first time.

Mr. Overmyer moved that the amendments to House bill No. 620 be considered and engrossed, and the bill put upon its passage.

Which was agreed to.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davis, Donnell, Drover, Edwins, English, Fancher, Galbraith, Garrouette, Ginz, Golden, Harland, Herod, Hess, Hubbard, Humphreys, Johnston, Kester, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of

Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—70.

Those who voted in the negative were: Messrs. Cunningham, Drake, Faulkner, Fleming, Handy, Hosmer, Huthsteiner, Kelly, Messick, Reichelderfer, Stucker and Willard—12.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled House joint resolution No. 21.

Engrossed Senate Bill No. 176 was read the third time and put upon its passage.

The question being shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Edwins, English, Fancher, Garrouette, Golden, Handy, Herod, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Major, March, Messick, Nave, Overmyer, Owen, Robinson, Rodman, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Taylor of Lagrange, Thayer, Tulley, Vanpelt, VanValzah, Vawter, Watson and Mr. Speaker—57.

Those who voted in the negative were: Messrs. Bearss, Brown of Steuben, Drake, Harland, Lindley, Mitchell, Osborn of Vermillion, Scholl, Schweitzer, Thompson, Willard and Wimmer—13.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

House Joint Resolution No. —, entitled "A joint resolution providing for the publication of an act concerning interest and usury, approved March 10, 1879, in each of the counties of the State, and providing the time when such act shall be in force."

The question being on the adoption of the same.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Bearss, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Compton, Connaway, Copeland, Cunningham, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, March, Messick, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Lagrange, Thayer, Thompson, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—75.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Steuben, Connor and Sleeth—4.

The resolution was adopted.

The question being, shall the title of the resolution as read stand as the title of the same?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 540 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Fleming, Galbraith, Garrouette, Golden, Handy, Harland, Herod, Hess, Hosmer, Hubbard, Huthsteiner, Johnston, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichel-



derfer, Robinson, Rodman, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Stucker, Taylor of Lagrange, Thompson, Vanpelt, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—73.

Those who voted in the negative were: Messrs. Faulkner, Humphreys and Willard—3.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Briggs was called to the chair.

Engrossed House Bill No. 414 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, Fancher, Fleming, Galbraith, Garrouette, Golden, Handy, Harland, Herod, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Taylor of Lagrange, Thompson, Vanpelt, Vawter, Watson, Willard, Wimmer and Works—73.

Those who voted in the negative were: Messrs. Faulkner and Stucker—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

House Bill No. 670. Introduced by Mr. Brown of Steuben, entitled "An act to legalize the official acts of the several boards of trustees of the town of Angola, Steuben county, Indiana, and legalize the acts of the corporation thereof," etc.

Read the first time.

Mr. Overmyer called up House bill No. 368, that failed to pass for the want of a constitutional majority.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Carter, Compton, Confer, Conaway, Connor, Cunningham, Dalton, Davis, Donnell, Drake, Edwins, Garrouette, Golden, Handy, Harland, Herod, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Nave, Overmyer, Owen, Reed, Robinson, Rodman, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Taylor of Lagrange, Thayer, Thompson, Vawter, Watson, Willard, Wimmer and Works—64.

Those who voted in the negative were: Messrs. Copeland, Dailey, English, Faulkner, Galbraith, Osborn of Vermillion, Reichelderfer, Scholl and Stucker—9.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 381 was read the third time.

Mr. Willard moved that the bill be referred to a select committee of three.

Mr. Edwins moved to lay the motion on the table.

Which was agreed to.

Mr. Arnold of Wabash moved that the bill do lie on the table.

Which was agreed to.

The Speaker reported that he had signed enrolled Senate acts Nos. 445, 446, 448 and 449.

Engrossed House Bill No. 154 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Galbraith, Garrouette, Golden, Handy, Harland, Herod, Hess, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Sleeth, Stevens, Stucker, Thayer, Thompson, Thornburg, Tulley, Vawter, Watson, Willard, Wimmer and Works—69.

Those who voted in the negative were: Messrs. Allen, Faulkner, Hosmer, Kelly and Vanpelt—5.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

House Bill No. 671. Introduced by Mr. Caldwell, entitled "An act appropriating fifteen thousand dollars to defray the expenses of the special session of the General Assembly of the State of Indiana, for the year 1879."

Read the first time.

Mr. Cunningham submitted the following resolution:

*Resolved*, That when this House adjourn it shall be until six o'clock P. M. on Monday next.

Mr. Willard demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question being upon the adoption of the resolution.

Messrs. Edwins and Miers demanded the ayes and noes.

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Bearss, Brown of Steuben, Caldwell, Campbell, Carey, Connaway, Cunningham, Davis, English, Herod, Hess, Hosmer, Hubbard, Kelly, Kester, Reed, Reichelderfer, Schweitzer, Shauck, Shields, Taylor of Lagrange, Thayer, Vawter and Watson—29.

Those who voted in the negative were: Messrs. Allen, Blockley, Briggs, Carter, Compton, Confer, Connor, Copeland, Dailey, Dalton, Donnell, Drake, Drover, Edwins, Fancher, Galbraith, Garrouette, Golden, Handy, Humphreys, Johnston, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Owen, Robinson, Rodman, Scholl, Shanks, Shutt, Sleeth, Stucker, Thompson, Tulley, Vanpelt, Willard, Wimmer and Works—49.

The resolution failed to pass.

Engrossed House Bill No. 656 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drake, Drover, English, Faulkner, Galbraith, Garrouette, Golden, Handy, Harland, Herod, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Stevens, Stucker, Taylor of Lagrange, Thayer, Tulley, Vanpelt, Vawter, Watson, Wimmer and Works—70.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Governor:

*To the House of Representatives:*

I have received, approved and signed House bills numbered and entitled as follows.

No. 637. An act to provide means for the erection of a new state house. Approved March 13, 1879.

No. 228. An act to enable the Superintendent of Public Instruction and the Auditor of Adams county to reopen accounts between said county and the State. Approved March 14, 1879.

No. 303. An act to legalize the acts of the boards of trustees and other officers of the town of Tell City, Perry county, Indiana. Approved March 14, 1879.

JAMES D. WILLIAMS.

Mr. Lehman was granted leave of absence.

Mr. Reed moved that when the House adjourn it be until Monday at 10 o'clock A. M.

On which motion Messrs. Willard and Mitchell demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Bearss, Brown of Steuben, Caldwell, Campbell, Carey, Confer, Connaway, Copeland, Davis, Drover, English, Herod, Hess, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Major, Messick, Reed, Reichelderfer, Shauck, Shields, Sleeth, Taylor of Lagrange, Vawter and Watson—34.

Those who voted in the negative were: Messrs. Allen, Briggs, Brown of Jasper, Carter, Compton, Connor, Dailey, Dalton, Drake, Edwins, Fancher, Faulkner, Galbraith, Garrouette, Golden, Handy, Humphreys, Kirkpatrick, Lindley, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shutt, Stevens, Stucker, Thompson, Tulley, Vanpelt, Willard, Wimmer and Works—42.

The motion did not prevail.

The resolution of Mr. Osborn, prohibiting members from explaining the votes during roll call, was taken up.

On the adoption of the same, Messrs. Edwins and Sleeth demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Copeland, Dailey, Dalton, Edwins, Faulkner, Galbraith, Garrouette, Golden, Handy, Herod, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kester, Major, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Owen, Shauck, Shields, Shutt, Stevens, Stucker, Vanpelt and Watson—35.

Those who voted in the negative were: Messrs. Arnold of Wabash, Baker, Bearss, Brown of Steuben, Campbell, Carey, Confer, Connaway, Connor, Davis, Donnell, Drake, Fancher, Harland, Kelly, Kirkpatrick, Lindley, March, Messick, Miers, Nave, Overmyer, Reed, Richelderfer, Robinson, Rodman, Scholl, Schweitzer, Shanks, Sleeth, Thayer, Tulley, Vawter, Willard and Works—36.

The resolution was not adopted.

On motion of Mr. Edwins, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## SATURDAY MORNING.

MARCH 15, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Garrouette, the further reading of the journal was dispensed with.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 261, "An act in relation to fences and hedges along public highways."

Also engrossed Senate bill No. 432, "An act to amend an act to establish a House of Refuge for juvenile offenders.



And the same are herewith returned to the House of Representatives for its action thereon.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House joint resolution No. 21, concerning certain claims of citizens of the State.

And the same is herewith submitted to the House.

Engrossed Senate Bill No. 432, entitled "An act to amend section 10 of an act entitled an act to establish a house of refuge for the correction and reformation of juvenile offenders, approved March 8, 1867, as amended by an act entitled an act to amend an act entitled an act to establish a house of refuge for the correction of juvenile offenders, approved March 8, 1867, and repealing section 11 of said act, approved December 10, 1872, and declaring an emergency."

Read the first time.

Mr. Allen, from the committee on cities and towns, made the following report:

MR. SPEAKER:

Your committee on cities and towns have had under consideration Senate bill No. 374, and have directed me to report the same back to the House, with the recommendation that it do pass.

Report concurred in.

House Bill No. 668 was read the second time and ordered engrossed.

House Bill No. 669 was read the second time and ordered engrossed.

House Bill No. 670 was read the second time and ordered engrossed.

House Bill No. 671 was read the second time.

Mr. Faulkner offered the following amendment:

Amend section 2 of the bill by striking out the words "as may be provided by either House or Senate by resolution," and insert in lieu thereof the words "as may be provided by both houses by concurrent resolution."

Which amendment was adopted, and the bill as amended ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 313, beg leave to report that they have had the same under consideration and recommend that the same do pass.

Report concurred in.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 654, "A bill for an act to provide for the release and satisfaction of judgment against persons in bankruptcy," have had the same under consideration and have directed me to report the same to the House, with the recommendation that the bill do pass.

Report concurred in and the bill ordered engrossed.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 655, "A bill to amend section 447 of an act entitled an act to revise, simplify and abridge the rules of practice and pleadings and forms in civil cases," have had the same under consideration and have directed me to report the same to the House, with the recommendation that the bill do lie on the table.

Report concurred in.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 646, entitled "A bill to change the name of the Marion Criminal Circuit Court," have had the same under consideration and have directed me to report the same back to the House, with the recommendation that the bill do lie on the table.

Report concurred in.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 652, entitled "A bill for an act to amend sections 15, 19 and 22 of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of their officers, and declaring their duties," etc., have had the same under consideration and have directed me to report the same back to the House, with the recommendation that it be indefinitely postponed.

Report concurred in.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 650, have had the same under consideration and directed me to report the same back, and recommend that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. March, from the committee on the judiciary, made the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 657, have had the same under consideration, and direct me to report the same back, and recommend its passage.

The report was concurred in and the bill ordered engrossed.

House Bill No. 672. Introduced by Mr. Briggs, entitled "An act to legalize the official acts of the board of trustees of the incorporated town of Merom, Sullivan county, Indiana, in the levy and assessment of taxes therein, and all official acts in connection therewith, in pursuance of the act for the incorporation of towns, approved June 11, 1852, and declaring an emergency."

Read the first time.

House Bill No. 673. Introduced by Mr. Watson, entitled "An act to amend sections 210 and 211 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of



pleading and practice, without distinction between law and equity, approved June 18, 1852, and an act supplemental thereto."

Read the first time.

Mr. English was called to the chair.

Mr. Taylor of Lagrange asked for a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Stucker, Taylor of Lagrange, Thayer, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

Mr. Lehman moved that the further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Cauthorn moved that House bill No. 471 be taken from the table and ordered engrossed.

Which was agreed to.

Engrossed House Bill No. 642 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Donnell, Edwins, English, Fancher, Fleming, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen,

Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Taylor of Lagrange, Thayer, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Works and Mr. Speaker—71.

Those who voted in the negative were: Messrs. Fancher, Johnston, Osborn of Elkhart, Stucker and Wimmer—5.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 374 was read the third time, and put upon its passage.

Mr. Allen moved that the bill be recommitted.

Mr. Cauthorn moved to lay the motion on the table.

Which was agreed to.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Bearss, Blockley, Briggs, Brown of Steuben, Carter, Connaway, Connor, Dalton, Donnell, Drake, Edwins, Hess, Humphreys, Huthsteiner, Johnston, Lehman, Lindley, Major, Miers, Mitchell, Osborn of Vermillion, Reed, Robinson, Rodman, Schweitzer, Shields, Shutt, Skinner, Sleeth, Thompson, Vanpelt, Wimmer, Works and Mr. Speaker—33.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Brown of Jasper, Caldwell, Campbell, Carey, Confer, Dailey, Drover, English, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Handy, Harland, Hart, Hosmer, Hubbard, Kelly, Kester, Kirkpatrick, March, Messick, Nave, Overmyer, Reichelderfer, Scholl, Shanks, Shauck, Stevens, Stucker, Taylor of Lagrange, Tulley, Vawter, Watson and Willard—41.

The bill failed to pass.

Mr. Willard moved that the vote on the bill be reconsidered and that the motion do lie on the table.

On which motion Messrs. Lehman and Schweitzer demanded the ayes and noes.

The question being on the motion to lay the motion to reconsider on the table.

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Drake, Drover, Fancher, Faulkner, Galbraith, Garrouthe, Golden, Handy, Kester, Messick, Nave, Overmyer, Reichelderfer, Shauck, Stevens, Stucker, Tulley, Vawter and Willard—20.

Those who voted in the negative were: Messrs. Alden, Allen, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Dailey, Dalton, Donnell, Edwins, English, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Major, March, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Owen, Reed, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shields, Shutt, Skinner, Sleeth, Taylor of Lagrange, Thayer, Vanpelt, Watson, Wimmer, Works and Mr. Speaker—53.

The motion was not agreed to.

The question being upon the motion to reconsider, Messrs. Lehman and Tulley demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Blockley, Briggs, Caldwell, Campbell, Carter, Connaway, Connor, Copeland, Dailey, Dalton, Donnell, Drake, Edwins, English, Garrouthe, Handy, Hart, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Reed, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shields, Shutt, Skinner, Sleeth, Stevens, Stucker, Taylor of Lagrange, Thompson, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—57.

Those who voted in the negative were: Messrs. Baker, Brown of Jasper, Carey, Confer, Drover, Fancher, Faulkner, Fleming, Galbraith, Golden, Kester, March, Nave, Overmyer, Owen, Reichelderfer, Shauck, Tulley and Willard—19.

The motion to reconsider prevailed.

Mr. Johnston moved that the bill be recommitted to the committee on cities and towns with instructions to report on Tuesday morning.

Which was agreed to.



The Speaker reported that he had signed enrolled Senate acts Nos. 444, 447, 452, 450, 451.

House Bill No. 674. Introduced by Mr. Allen, entitled "An act to define certain practice in the various courts, including the Mayors' courts in this State, repealing all laws conflicting therewith, and declaring an emergency."

Read the first time.

House Bill No. 675. Introduced by Mr. Drake, entitled "An act to amend the fourteenth section of an act defining felonies and prescribing punishment therefor, approved June 10, 1852."

Read the first time.

Mr. Shanks moved to reconsider the vote by which House bill No. 118 was laid on the table.

Which was not agreed to.

Engrossed House Bill No. 643 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Connaway, Tulley and Willard—3.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Dailey, Dalton, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Stucker, Taylor of Lagrange, Thompson, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—70.

The bill failed to pass.

Engrossed House Bill No. 604 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Blockley, Briggs, Carey, Compton, Confer, Dailey, Drake, Drover, Edwins, Faulkner, Galbraith, Garroutte, Handy, Hosmer, Humphreys, Kelly, Kester, Miers, Mitchell, Osborn of Vermillion, Shanks, Shields, Shutt, Tulley, Vanpelt and Willard—30.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Jasper, Brown of Steuben, Campbell, Connaway, Connor, Copeland, English, Fancher, Golden, Harland, Hart, Hess, Hubbard, Johnston, Kirkpatrick, Lehman, Lindley, Major, Nave, Overmyer, Owen, Reed, Robinson, Rodman, Saint, Scholl, Schweitzer, Shauck, Skinner, Sleeth, Stucker, Taylor of Lagrange, Thayer, Vawtér, Watson, Wimmer and Works—38.

The bill failed to pass.

Mr. Reed moved that when the House adjourn it be until Monday at 2 o'clock P. M.

On which motion, Messrs. Willard and Mitchell demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Campbell, Carey, Connaway, Copeland, English, Golden, Harland, Hess, Hosmer, Johnston, Kester, Lehman, Messick, Osborn of Elkhart, Osborn of Vermillion, Reed, Reichelderfer, Saint, Shields, Sleeth, Thayer, Vanpelt, Vawter, Watson and Wimmer—28.

Those who voted in the negative were: Messrs. Allen, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Carter, Confer, Connor, Dailey, Dalton, Drake, Drover, Edwins, Fancher, Faulkner, Galbraith, Handy, Hart, Hubbard, Humphreys, Huthsteiner, Kelly, Kirkpatrick, Lindley, Major, March, Miers, Mitchell, Nave, Owen, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shutt, Skinner, Stevens, Stucker, Taylor of Lagrange, Thompson, Tulley, Willard, Works and Mr. Speaker—47.

The motion was not agreed to.

Mr. Overmyer moved that when the House adjourn it be until Monday at 10 o'clock A. M.

On which motion, Messrs. Willard and Tulley demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Carey, Carter, Connaway, Copeland, English, Galbraith, Golden, Harland, Hess, Hosmer, Huthsteiner, Johnston, Lehman, Messick, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reichelderfer, Saint, Shanks, Shields, Sleeth, Thayer, Vanpelt, Vawter, Wimmer and Works—30.

Those who voted in the negative were: Messrs. Allen, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Confer, Dailey, Dalton, Drake, Edwins, Faulkner, Garrouette, Handy, Hart, Humphreys, Kelly, Kirkpatrick, Lindley, Major, March, Miers, Mitchell, Nave, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shutt, Stevens, Stucker, Taylor of Lagrange, Tulley, Watson, Willard and Mr. Speaker—36.

The motion did not prevail.

Mr. Tully moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Wabash, Blockley, Brown of Jasper, Brown of Steuben, Carter, Connor, Copeland, Dailey, Dalton, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Garrouette, Golden, Handy, Hart, Hosmer, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Sleeth, Stevens, Stucker, Taylor of Lagrange, Thayer, Thompson, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—59.

Mr. Overmyer moved that the House adjourn.

On which motion Messrs. Faulkner and Tulley demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Blockley, Carey, Confer, Connaway, Copeland, Drake, English, Fancher, Galbraith, Golden, Harland, Hart, Hosmer, Johnston, Major, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reichelderfer, Saint, Scholl, Shields, Sleeth, Vanpelt, Vawter, Watson and Works—30.



Those who voted in the negative were: Messrs. Allen, Brown of Jasper, Brown of Steuben, Carter, Connor, Dailey, Dalton, Edwins, Faulkner, Garrouette, Handy, Kelly, Kirkpatrick, Lindley, March, Messick, Miers, Mitchell, Nave, Robinson, Rodman, Schweitzer, Shanks, Shauck, Shutt, Stevens, Stucker, Taylor of Lagrange, Thayer, Thompson, Tulley, Willard and Mr. Speaker—33.

The motion did not prevail.

The Speaker resumed the chair.

A call of the House was called for.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Wabash, Blockley, Brown of Jasper, Brown of Steuben, Carey, Carter, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Drake, Edwins, English, Fancher, Faulkner, Galbraith, Garrouette, Handy, Hart, Hosmer, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Owen, Robinson, Rodman, Saint, Scholl, Shanks, Shauck, Shutt, Sleeth, Stevens, Stucker, Taylor of Lagrange, Thayer, Thompson, Tulley, Vawter, Watson, Willard, Works and Mr. Speaker—57.

Mr. Owen moved that the House do now adjourn.

On which motion Mr. Thompson and ten members demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Carey, Connaway, Connor, Copeland, Drake, English, Fancher, Galbraith, Garrouette, Golden, Harland, Johnston, Lindley, Major, Nave, Owen, Saint, Scholl, Sleeth, Vawter, Watson and Works—22.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Blockley, Brown of Jasper, Brown of Steuben, Carter, Dailey, Dalton, Edwins, Faulkner, Handy, Hart, Hosmer, Kelly, Kirkpatrick, March, Messick, Miers, Mitchell, Osborn of Elkhart, Robinson, Rodman, Shanks, Shauck, Shutt, Stevens, Stucker, Taylor of Lagrange, Thayer, Thompson, Tulley, Willard and Mr. Speaker—34.

The motion did not prevail.

Mr. English moved to adjourn.

On which motion ten members demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Brown of Steuben, Carey, Connaway, Connor, Copeland, Drake, English, Fancher, Galbraith, Garrouette, Golden, Harland, Huthsteiner, Johnston, Lindley, Major, Owen, Saint, Sleeth, Vawter, Watson, Works and Mr. Speaker—25.

Those who voted in the negative were: Messrs. Allen, Arnold of Wabash, Blockley, Brown of Jasper, Carter, Confer, Dailey, Dalton, Edwins, Faulkner, Handy, Hosmer, Kelly, Kirkpatrick, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Robinson, Rodman, Shanks, Shauck, Shutt, Stevens, Stucker, Taylor of Lagrange, Thayer, Thompson, Tulley and Willard—33.

The motion did not prevail.

Mr. Saint moved that the members brought in be excused and admitted to their seats.

Mr. Tulley moved that the motion do lie on the table.

On which Messrs. Tulley and Shanks demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Brown of Jasper, Brown of Steuben, Carey, Dalton, Edwins, Faulkner, Messick, Miers, Mitchell, Nave, Rodman, Shanks, Shauck, Shutt, Stevens, Stucker, Taylor of Lagrange, Thompson, Tulley, Willard and Works—21.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Carter, Confer, Connaway, Connor, Copeland, Dailey, Drake, English, Fancher, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Hosmer, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Major, March, Osborn of Elkhart, Owen, Robinson, Saint, Scholl, Sleeth, Thayer, Vawter, Watson and Mr. Speaker—36.

The motion was lost.

The question being on the motion of Mr. Saint.

The same was agreed to.

Mr. Owen moved that further proceedings under the call be dispensed with.

Which was agreed to.

On motion of Mr. English the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## MONDAY MORNING.

MARCH 17, 1879..

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of Saturday was read in part, when, on motion of Mr. Tulley, the further reading was dispensed with.

Engrossed Senate Bill No. 432 was read the second time and passed to a third reading.

House Bill No. 672. Introduced by Mr. Briggs, was read the second time and ordered to be engrossed.

House Bill No. 673. Introduced by Mr. Watson, was read the second time and referred to the committee on the judiciary.

House Bill No. 674. Introduced by Mr. Allen, was read the second time and ordered to be engrossed.

House Bill No. 675. Introduced by Mr. Drake, was read the second time and ordered to be engrossed.

House Bill No. 676. Introduced by Mr. Works, entitled "An act to amend section 8 of an act entitled an act supplemental and amendatory of an act entitled an act to provide for a uniform assessment of property and for the collection and return of taxes thereon, approved December 21, 1872, approved March 8, 1873."

Read the first time.

Mr. Osborn, from the committee on the judiciary, submitted the following report :



MR. SPEAKER:

Your committee, to whom was referred House bill No. 10, beg leave to report that they have had the same under consideration, and recommend that it do pass.

Report concurred in and bill ordered engrossed.

House Bill No. 677. Introduced by Mr. Stucker, entitled "An act to protect the purity and freedom of the elective franchise, to aid the people to control fair and honest elections, to define violations of the election laws, to prescribe penalties and punishments therefor, to provide means of obtaining testimony in such cases, to add a new clause to official oaths, and repealing all conflicting laws."

Read the first time.

House Bill No. 678. Introduced by Mr. Osborn, of Elkhart, entitled "An act to repeal an act entitled an act to divide the State into congressional districts, and to provide for the election of Representatives in the Congress of the United States."

Read the first time.

House Bill No. 679. Introduced by Mr. March, entitled "A bill for an act amending sections 9 and 11 of an act supplemental to an act prescribing the duties of the Attorney General, approved March 10, 1873."

Read the first time.

The Speaker reported that he had signed enrolled Senate acts Nos. 454, 325, 125 and 176.

House Bill No. 680. Introduced by Mr. Major, entitled "An act regulating the running at large of hogs, and providing for the assessment and payment of damages done by the same, and other matters connected therewith."

Read the first time.

House Bill No. 681. Introduced by Mr. Brown of Jasper, entitled "An act authorizing judges to give their opinion in writing in ruling upon questions of law or fact, and making the same a part of the record."

Read the first time.

Mr. Willard moved that House bill No. 329 be taken from the table and ordered engrossed.

Which was agreed to.

House Bill No. 682. Introduced by Mr. March, entitled "A bill providing for an act to amend section 3 of an act in relation to licensing the sales of intoxicating liquor, approved March 17, 1875."

Read the first time.

Mr. Rooker, the member from Hamilton and Tipton, was sworn in by the Speaker.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 53, "An act to provide for a uniform assessment of property," and the same is herewith submitted to the House of Representatives for its action thereon.

House Bill No. 683. Introduced by Mr. Shanks, entitled "An act to provide for the prompt publication of the acts of the General Assembly."

Read the first time.

On motion of Mr. Works the House took a recess until 2 o'clock P. M.

---

## AFTERNOON SESSION.

MARCH 17, 1879.

The House was called to order with the Speaker in the chair.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 610.

Also engrossed House bill No. 660.

Also engrossed House bill No. 661.

Also engrossed House bill No. 662.

Also engrossed House bill No. 664.

Also engrossed House bill No. 665.

Also engrossed House bill No. 666.

Also engrossed House bill No. 667.

Also that the Senate has amended and passed engrossed House bill No. 663.

Also that the Senate has adopted House concurrent resolution No. 27.

Also House concurrent resolution No: 28.

Also House concurrent resolution No. 31.

And the said bills and resolutions, with Senate engrossed amendments to said bill No. 663, are herewith submitted to the House of Representatives for its action thereon.

Mr. Willard moved that the House take a recess until 3:30 o'clock.

Which was agreed to.

The Speaker called the House to order at 3:30 o'clock.

Mr. Faulkner moved a call of the House.

The roll was called.

Those answering to their names were: Messrs. Alden, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Compton, Confer, Connaway, Connor, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Galbraith, Garrouette, Handy, Harland, Hart, Herod, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Stucker, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Works and Mr. Speaker—71.

On motion of Mr. Faulkner the further proceedings under the call were dispensed with.

Mr. Faulkner offered the following resolution:

WHEREAS, The predecessor of the present incumbent of the office of Attorney General collected large sums of money for the State of Indiana, from the counties and county officers in the State; and

WHEREAS, It is represented he has failed to account for and pay the same over to the State as required by law; therefore

*Resolved*, That a committee of five be appointed to investigate the affairs of said office during his said term, and ascertain what amount of money has been collected by said Attorney General from any and all sources, what amount thereof has been accounted for and paid



over, and what amount, if any, has not been accounted for, and report the same fully to this House.

Mr. Tulley offered the following amendment, to-wit:

By including Attorney Generals Buskirk and Denny back to March, 1873.

Which amendment was accepted and the resolution as amended was adopted.

The Speaker appointed the following committee: Messrs. Faulkner, Works, Stucker, Huthsteiner and Sleeth.

The Senate amendment to House Bill No. 663 was read and concurred in.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House bill No. 589 was read the third time and put upon its passage.

Mr. Connaway submitted the following amendment:

Amend by adding the following, to-wit: "Upon its being shown to the satisfaction of the trustee of said township that the money for which said note was given was used for the benefit of the special school purpose of said township."

Which was adopted by unanimous consent.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, Garrouette, Golden, Handy, Harland, Herod, Hosmer, Hubbard, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Rodman, Rooker, Saint, Scholl, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thompson, Tulley, VanValzah, Vawter, Watson, Willard and Works—64.

Those who voted in the negative were: Messrs. Hart, Humphreys, Osborn of Elkhart, Perry, Schweitzer, Shutt, Stucker, Vanpelt, Wimmer and Mr. Speaker—16.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 530 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Bearss, Blockley, Brown of Steuben, Bryant, Carey, Carter, Conaway, Connor, Dailey, Davis, Donnell, Drover, Fancher, Faulkner, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Herod, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Tulley, Vanpelt, Vawter, Watson, Wimmer and Works—62.

Those who voted in the negative were: Messrs. Briggs, Brown of Jasper, Caldwell, Compton, Confer, Dalton, Drake, Edwins, Floder, Messick, Nave, Perry, VanValzah and Mr. Speaker—14.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Works, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

Your committee on enrolled bills have compared enrolled acts Nos. 228, 303, 637, 660, 661, 662 and 665, also joint resolution No. 22, and find the same correctly enrolled.

House Bill No. 570 was read the third time.

Mr. Herod moved that the bill be referred to a special committee of five.

Which was agreed to.

The Speaker appointed the following special committee: Messrs. Herod, Hubbard, Baker, Stucker and Shanks.

The Speaker reported that he had signed enrolled Senate acts No. 453; enrolled House acts No. 661, 665, 660 and 662.

Engrossed House Bill No. 270 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Confer, Connaway, Connor, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Herod, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shanck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—76.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 601 was read the third time.

Mr. Owen moved that the bill be referred to a select committee of three, with instructions to report back to-morrow morning.

Mr. Willard moved that the motion do lie on the table.

On which motion Messrs. Willard and Lehman demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Bryant, Compton, Confer, Dalton, Drake, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Hart, Hosmer, Kester, Lehman, Messick, Perry, Schweitzer, VanValzah, Willard and Mr. Speaker—21.



Those who voted in the negative were: Messrs. Alden, Allen, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Carter, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drover, Fancher, Golden, Gordon, Handy, Harland, Herod, Hubbard, Humphreys, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Robeson, Rodman, Rooker, Saint, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Tulley, Vanpelt, Vawter, Watson, Wimmer and Works—58.

The motion to lay on the table did not prevail.

The question recurring on the motion of Mr. Owen.

It was agreed to.

The Speaker appointed the following committee: Messrs. Owen, Johnston and Lehman.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bills Nos. 660, 661, 662 and 665, and the same are herewith returned to the House of Representatives.

Engrossed House bill No. 591 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drake, Drover, English, Fancher, Flodder, Galbraith, Garrouette, Golden, Gordon, Handy, Harland, Herod, Hosmer, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Robeson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Tulley, Van Valzah, Vawter, Watson, Willard and Works—71.

Those who voted in the negative were: Messrs. Dalton, Faulkner, Hart, Vanpelt and Mr. Speaker—5.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Miers submitted the following resolution:

*Resolved*, That when the House adjourn it be until 8 o'clock P. M.

On the adoption of the same Messrs. Miers and Tulley demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Briggs, Caldwell, Compton, Connor, Dailey, Davidson, Galbraith, Garrouette, Humphreys, Kirkpatrick, March, Perry, Robeson, Shields, Stevens, Stucker, Tulley and Willard—18.

Those who voted in the negative were: Messrs. Alden, Allen, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Carey, Carter, Confer, Connaway, Copeland, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Golden, Gordon, Handy, Harland, Hart, Herod, Hosmer, Hubbard, Johnston, Kelly, Kester, Lehman, Lindley, Major, Messick, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Taylor of Lagrange, Thompson, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—63.

The resolution was not adopted.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 171, and the same is herewith transmitted to the House for its action thereon.

Engrossed Senate bill No. 171, entitled "An act to amend section 17, an act defining felonies and prescribing punishment therefor, approved June 10, 1852, and prescribing punishment therefor."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate engrossed bill No. 426, entitled "An act concerning the organization of voluntary associations," and the same is herewith submitted to the House of Representatives for its action thereon.

Engrossed Senate Bill No. 426, entitled "An act to amend section 3 of an act supplemental to an act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, and providing that the boards of county commissioners of counties shall, in certain cases, allow for the support of orphan children who are cared for by associations organized under the third specification of the second section of said act, and require such orphan children to be furnished with homes as expeditiously as practicable, and making the senior commissioner in the service a member ex-officio of the board of officers of such association; also providing that no distinction shall be made on account of the nativity, complexion or religious belief of such orphans, approved February 26, 1875, and declaring an emergency."

Read the first time.

Mr. Lehman moved that the select committee of three on House bill No. 601, be increased to five.

Mr. Saint moved that the motion do lie on the table.

Messrs. Willard and English demanded the ayes and noes.

Pending the motions, on motion of Mr. Nave, the House adjourned.



## TUESDAY MORNING.

MARCH 18, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. VanValzah, the further reading thereof was dispensed with.

House Bill No. 676 was read the second time and referred to the committee on the judiciary.

House Bill No. 677 was read the second time and referred to the committee on elections.

House Bill No. 678 was read the second time and referred to the committee on elections.

House Bill No. 679 was read the second time and referred to the committee on the judiciary.

House Bill No. 680 was read the second time and referred to the committee on agriculture.

House Bill No. 681 was read the second time and referred to the committee on the judiciary.

House Bill No. 682 was read the second time and referred to the committee on temperance.

House Bill No. 683 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 53 was read the second time and passed to the third reading.

Engrossed Senate Bill No. 171 was read the second time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 426 was read the second time and referred to the committee on rights and privileges.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 644, have had the same under consideration, and a majority have directed me to report the same back, with the recommendation that it do lie upon the table.

Which was concurred in.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 79, have had the same under consideration and have directed me to report it back and recommend its passage.

Which report was concurred in.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 40, concerning an adjournment of the Legislature, and the same is herewith submitted to the House of Representatives for its action thereon.

Senate Concurrent Resolution No. 40:

*Resolved by the Senate (the House of Representatives concurring therein), That the present session of the General Assembly will adjourn sine die on next Monday, March 24, at 12 o'clock meridian: Provided, The general and specific appropriations, fee and salary, and congressional apportionment bills shall have passed the Senate and House of Representatives.*

Was taken up and read.

Mr. Shanks moved that the resolution do lie on the table.

On which motion Messrs. Willard and Wimmer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Confer, Connor, Davis, Fancher, Golden, Hart, Herod, Johnston, Kirkpatrick, Major, Osborn of Vermillion, Overmyer, Robinson, Rodman, Rooker, Saint, Scholl, Shanks, Skinner, Snoddy, Stevens, Vawter, Watson and Works—33.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Brown of Jasper, Bryant, Caldwell, Compton, Copeland, Cunningham, Dailey, Davidson, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hopkins, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Lehman, Lindley, March, Messick, Mitchell, Owen, Perry, Shauck, Shields, Shutt, Stucker, Taylor of Lagrange, Taylor of Warrick, Tulley, Vanpelt, Van Valzah, Willard, Wimmer and Mr. Speaker—49.

The motion to lay on the table was not agreed to.

Mr. Willard moved to strike from the concurrent resolution of the Senate the proviso therein contained.

Mr. English was called to the chair.

The question being on the amendment of Mr. Willard.

Messrs. Willard and Saint demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Bearss, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Donnell, Drover, English, Faulkner, Flodder, Golden, Harland, Herod, Hopkins, Hubbard, Kelly, Kirkpatrick, Lehman, March, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Robeson, Rodman, Rooker, Schweitzer, Shields, Shutt, Snoddy, Taylor of Lagrange, Tulley, VanValzah, Vawter, Watson, Willard and Mr. Speaker—48.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Bryant, Carey, Carter, Dalton, Davidson, Davis, Drake, Edwins, Fleming, Galbraith, Garrouette, Ginz, Handy, Hart, Hess, Hosmer, Humphreys, Huthsteiner, Kester, Lindley, Major, Messick, Nave, Osborn of Elkhart, Perry, Saint, Scholl, Shanks, Shauck, Skinner, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Vanpelt, Wimmer and Works—45.

The amendment was adopted.

Mr. Thompson moved that the resolution as amended do lie on the table.

On which motion Messrs. Willard and Tulley demanded the ayes and noes.

The roll was called.



Those who voted in the affirmative were: Messrs. Baker, Barker, Blockley, Bryant, Carey, Carter, Dalton, Davis, Fleming, Flodder, Galbraith, Ginz, Hart, Hosmer, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, Nave, Osborn of Elkhart, Perry, Reed, Rooker, Saint, Scholl, Shanks, Shauck, Skinner, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Vanpelt, Works and Mr. Speaker—37.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Briggs, Brown of Steuben, Campbell, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Garrouette, Golden, Handy, Harland, Hess, Herod, Hopkins, Hubbard, Humphreys, Lehman, Lindley, March, Messick, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Robeson, Robinson, Rodman, Schweitzer, Shields, Shutt, Snoddy, Stevens, Tulley, VanValzah, Vawter, Watson, Willard and Wimmer—57.

The motion did not prevail.

Mr. Lehman moved the adoption of the resolution.

Mr. Lehman demanded the previous question.

Which was not seconded.

Mr. Thompson moved that the consideration of the resolution be postponed until next Saturday at 2 P. M.

Mr. Willard moved that the motion do lie on the table.

On which motion, Messrs. Willard and Tulley demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Blockley, Briggs, Brown of Jasper, Compton, Confer, Cunningham, Dailey, Drover, English, Fleming, Flodder, Garrouette, Golden, Herod, Hess, Hopkins, Lehman, Lindley, Mitchell, Osborn of Vermillion, Overmyer, Owen, Perry, Robinson, Robeson, Rodman, Schweitzer, Shields, Shutt, Taylor of Lagrange, Thornburg, Tulley, VanValzah, Vawter, Watson and Willard—37.

Those who voted in the negative were: Messrs. Allen, Arnold of Wabash, Baker, Barker, Bearss, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Connaway, Connor, Dalton, Davidson, Davis, Donnell, Edwins, Fancher, Faulkner, Galbraith, Handy,

Hart, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, March, Messick, Miers, Nave, Osborn of Elkhart, Reed, Rooker, Saint, Scholl, Shanks, Shauck, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Vanpelt, Wimmer and Works—53.

The motion to lay on the table was not agreed to.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined enrolled acts Nos. 664 and 610, House of Representatives, and compared the same with the engrossed bills of the same number, and find them correctly enrolled.

Mr. Thompson demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the motion of Mr. Thompson, Messrs. Willard and Tulley demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Confer, Connaway, Dalton, Davidson, Davis, Edwins, Fancher, Fleming, Galbraith, Ginz, Hart, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Major, March, Messick, Nave, Osborn of Elkhart, Perry, Reed, Robeson, Rooker, Saint, Scholl, Schweitzer, Shauck, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Vanpelt, Watson, Wimmer and Works—62.

Those who voted in the negative were: Messrs. Brown of Steuben, Campbell, Carey, Compton, Connor, Cunningham, Dailey, Drake, Drover, English, Faulkner, Golden; Handy, Harland, Herod, Kirkpatrick, Lindley, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Robinson, Rodman, Shields, Thornburg, Tulley, Van Valzah, Vawter and Willard—31.

The motion was agreed to.

Mr. Lehman moved that the select committee on House bill No. 601 be increased from three to five.

Mr. Tulley moved to lay the motion on the table.

On which motion Messrs. Tulley and Kelly demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Donnell, Fancher, Golden, Handy, Harland, Hess, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Mitchell, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Saint, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley and Watson—40.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Hart, Herod, Hopkins, Hosmer, Huthsteiner, Kester, Lehman, Messick, Miers, Nave, Osborn of Elkhart, Perry, Roberson, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Thompson, Vanpelt, Van Valzah, Vawter, Willard, Wimmer and Mr. Speaker—50.

The motion to lay on the table was not agreed to.

The question being upon the motion of Mr. Lehman.

Mr. Miers demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

On the motion of Mr. Lehman Messrs. Lindley and Arnold of Wabash demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Connaway, Cunningham, Dailey, Davidson, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Messick, Miers, Nave, Osborn of Elkhart,



Perry, Robeson, Scholl, Schweitzer, Shutt, Stucker, Taylor of Daviess, Thompson, Vanpelt, VanValzah, Willard, Wimmer and Mr. Speaker—47.

Those who voted in the negative were: Messrs. Arnold of Washash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Conna-way, Connor, Davis, Donnell, Fancher, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Mitchell, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Rooker, Saint, Shanks, Shields, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vawter, Watson and Works—44.

The motion was agreed to.

The Speaker appointed the following gentlemen on the committee: Messrs. Taylor of Daviess and Mr. Briggs.

Mr. Works, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 683, have had the same under consideration and direct me to report the same back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Miers moved the further call of committees be suspended. Which was agreed to.

Engrossed House Bill No. 467 was read the third time.

Mr. Works moved that the bill be recommitted to the committee on engrossed bills.

Which was agreed to.

Engrossed Senate Bill No. 675 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Bearss, Blockley, Briggs, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Davidson, Davis, Drake, Drover, English, Fleming, Galbraith, Garrouette, Ginz, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major,

March, Messick, Osborn of Vermillion, Owen, Perry, Reed, Robinson, Rodman, Saint, Schweitzer, Shanks, Shauck, Shutt, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vawter, Watson and Willard—60.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Jasper, Compton, Cunningham, Dailey, Donnell, Fancher, Faulkner, Handy, Humphreys, Miers, Nave, Overmyer, Rooker, Scholl, Shields, Skinner, Tulley, Vanpelt and Works—18.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act.

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 308 was read the third time.

Mr. Willard moved that the bill be recommitted to the committee on ways and means.

Which was agreed to.

Engrossed House Bill No. 419 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Dailey, Davidson, Davis, Donnell, Edwins, English, Fancher, Fleming, Garrouette, Handy, Herod, Hess, Hopkins, Hosmer, Huthsteiner, Kelly, Lehman, Major, March, Messick, Miers, Nave, Osborn of Vermillion, Overmyer, Perry, Reed, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Watson, Willard, Wimmer, Works and Mr. Speaker—67.

Those who voted in the negative were: Messrs. Baker, Bearss, Connaway, Drake, Faulkner, Galbraith, Ginz, Harland, Hart, Humphreys, Johnston and Rooker—13.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills have examined enrolled act No. 666, House of Representatives, and compared the same with the engrossed bill of the same number, and find the same correctly enrolled.

On motion of Mr. Faulkner the House adjourned.

---

## AFTERNOON SESSION.

MARCH 18, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 676, introduced by Mr. Works of Switzerland, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that the bill do pass.

Report concurred in and bill ordered engrossed.

Mr. Lehman, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill No. 678, have had the same under consideration and instructed me to report the same back, with the recommendation that the same do lie on the table.

Report concurred in.



Mr. Edwins, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred engrossed Senate bill No. 426, have had the same under consideration and have directed me to report the same back to the House, with the recommendation that the bill do pass.

Report concurred in.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 308, direct me to report the same back and recommend its passage.

Report concurred in.

Engrossed Senate Bill No. 308 was read the third time.

Mr. Lindley moved to recommit the bill to a select committee of three.

Which was not agreed to.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Compton, Connaway, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warriek, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—82.

Those who voted in the negative were: Messrs. Connor, Lindley and Willard—3.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that Senate engrossed bill No. 53 was referred to the House of Representatives through mistake and request that the same be returned.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House concurrent resolution No. 27, concerning allowances made for State House investigation.

Also, enrolled House act No. 666.

And the same are herewith returned to the House.

The Speaker reported that he had signed enrolled act No. 666.

Engrossed House Bill No. 668 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Compton, Connor, Copeland, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Flodder, Galbraith, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warriek, Thornburg, Vanpelt, Vawter, Watson, Wimmer and Mr. Speaker—73.

Those who voted in the negative were: Messrs. Confer, Cunningham, Davidson, Faulkner, Garrouette, Johnston, Nave, Osborn of Elkhart, Rooker, Shields, Stucker, Taylor of Daviess, Thompson, Tulley, Willard and Works—16.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 482 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Barker, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Confer, Connor, Cunningham, Dalton, Davidson, Davis, Donnell, Edwins, English, Fancher, Fleming, Flodder, Galbraith, Handy, Harland, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Owen, Reed, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warriek, Vanpelt, Vawter, Watson, Willard, Wimmer and Works—60.

Those who voted in the negative were: Messrs. Allen, Baker, Briggs, Dailey, Drake, Faulkner, Garrouette, Ginz, Hess, Humphreys, Johnston, Kester, Osborn of Vermillion, Rooker, Shutt, Stucker, Thompson and Mr. Speaker—18.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Handy filed his motion to reconsider the vote by which engrossed House bill No. 668 was passed.

The following message was received from the Senate by the Secretary thereof:



MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House concurrent resolution No. 31, and the same is herewith returned to the House of Representatives.

Mr. Humphreys, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

The committee on ways and means ask leave to report the following bills, Nos. 6, 79, 93, 185, 170, 615 and 431; also, a number of resolutions and communications, and ask that they do lie on the table.

Concurred in.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has amended and passed engrossed House bill No. 592, the general appropriation bill, and the same, with the engrossed Senate amendments thereto, is herewith submitted to the House for its further action thereon.

Engrossed Senate amendments to House bill No. 592 were read.

Mr. Overmyer moved that the House concur in the Senate amendments to engrossed House bill No. 592.

Mr. Willard asked a division as to the proviso to section 5.

The question being on the motion of Mr. Overmyer, with the exception of the proviso in section 5.

The same was agreed to.

The question being upon the proviso in section 5.

Mr. Willard moved that the proviso be referred to the judiciary committee, with instructions to report to-morrow morning.

Which was not agreed to.

The question being upon concurring in the proviso.

Messrs. Tulley and Copeland demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hopkins, Hosmer, Hubbard, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vawter and Mr. Speaker—60.

Those who voted in the negative were: Messrs. Campbell, Carey, Carter, Connaway, Connor, Copeland, Donnell, Edwins, Fancher, Faulkner, Hess, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, Osborn of Vermillion, Shields, Shutt, Sleeth, Stucker, Thompson, Tulley, Vanpelt, VanValzah, Watson, Wilbard, Wimmer and Works—31.

The proviso was concurred in.

Mr. VanValzah moved that the vote be reconsidered in concurring in the amendment as to the Normal School.

Mr. Sleeth moved that the motion do lie on the table.

Which was agreed to.

Engrossed House Bill No. 188 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carter, Compton, Confer, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Overmyer, Owen, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thornburg, Vanpelt, Vawter, Works and Mr. Speaker—75.

Those who voted in the negative were: Messrs. Connaway, Edwins, Fancher, Taylor of Warrick and Van Valzah—5.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act.

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Osborn moved to reconsider the vote by which the report of the committee on cities and towns on engrossed Senate bill No. 103 was concurred in.

Which was agreed to.

Mr. March moved that the bill be recommitted to a select committee of three.

Which was agreed to.

The Speaker appointed Messrs. March, Fleming and Briggs as such committee.

On motion of Mr. Handy, the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## WEDNESDAY MORNING.

MARCH 19, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Faulkner, the further reading was dispensed with.

Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 681, beg leave to report that they have had the same under consideration and recommend that the bill be indefinitely postponed.

Report concurred in.



Mr. Osborn of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate bill No. 171, beg leave to report that they have had the same under consideration and recommend that it be indefinitely postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 423, beg leave to report that they have had the same under consideration and they recommend that it be indefinitely postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 673, beg leave to report that they have had the same under consideration and they recommend that it be indefinitely postponed.

Report concurred in.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 657, beg leave to report that they have had the same under consideration and recommend that it do pass.

Report concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bill No. 600, in obedience to the instructions of the House, report the same back with the recommendation that it be amended by striking out the second section.

And your committee further recommend that when so amended the bill be indefinitely postponed.

Report concurred in.

House Bill No. 684. Introduced by Mr. Osborn of Elkhart, entitled "A bill for an act to authorize the redemption of certain lands sold for taxes, and declaring said lands forfeited to the State in fee simple if not redeemed by the owner thereof."

Read the first time.

Mr. Osborn moved that the constitutional rules be suspended, that House bill No. 684 may be read the second time.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Ginz, Garrouette, Golden, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johntson, Kelly, Kester, Lehman, Major, March, Messick, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Shanks, Shauck, Shutt, Sleeth, Stevens, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—78.

Those who voted in the negative were: Messrs. Cunningham, Kirkpatrick, Lindley, Mitchell, Shields, Skinner, Stucker, Tulley and VanValzah—9.

The constitutional rule was suspended.

House Bill No. 684, by Mr. Osborn of Elkhart, was read the second time and ordered engrossed.

House Bill No. 685. Introduced by Mr. Miers, entitled "An act to legalize certain acts of the board of trustees of the town of Ellettsville, Monroe county, Indiana."

Read the first time.

Mr. Miers moved that the constitutional rules be suspended, that House bill No. 685 may be read the second time by title, be considered engrossed, read the third time and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter,

Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drake, Edwins, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Robeson, Robinson, Rodman, Saint, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Works and Mr. Speaker—70.

Those who voted in the negative were: Messrs. Confer, Cunningham, Dalton, English, Faulkner, Johnston, Kirkpatrick, Lindley, Rooker, Stucker and Wimmer—11.

The constitutional rule was suspended.

House bill No. 685 was read the second time and considered engrossed and passed to a third reading.

House Bill No. 685 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Edwins, English, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—82.

Mr. Faulkner voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.



The Speaker reported that he had signed enrolled House concurrent resolution No. 28.

House Bill No. 686. Introduced by Mr. Vawter, entitled "A bill for an act to amend section 3 of an act entitled an act to incorporate the town of Vernon, Jennings county, Indiana, approved January 22, 1851."

Read the first time.

Mr. Vawter moved that the constitutional rules be suspended that House bill No. 686 may be read the second time and considered engrossed, read a third time and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Saint, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—81.

Those who voted in the negative were: Messrs. Lindley, Rooker and Stucker—3.

The constitutional rule was suspended.

House Bill No. 686 was read the second time and considered engrossed and passed to a third reading.

House Bill No. 686 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham,

Dailey, Davis, Donnell, Drake, Edwins, English, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—86.

Mr. Faulkner voted in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 683 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hopkins, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, VanValzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—77.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Engrossed Senate Bill No. 253, an act concerning the taxation of lands in town and city corporations.

And the same is hereby submitted to the House for its further action thereon.

Engrossed Senate Bill No. 253, entitled "An act defining the manner in which certain lands and other property within the limits of the city or incorporated town may be taxed for corporation purposes."

Read the first time.

Mr. Perry moved that the constitutional rule be suspended that Engrossed Senate Bill No. 253 may be read the second time by title, the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Bearss, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Davidson, Davis, Drover, English, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer and Mr. Speaker—72.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Steuben, Carter, Dailey, Donnell, Drake, Faulkner, Fleming, Flodder, Harland, Hubbard, Lindley, Osborn of Vermillion, Reed, Robeson, Rooker, Saint, Shutt, Stevens and Willard—20.

The constitutional rule was suspended.

Engrossed Senate Bill No. 253 was read the second time and passed to a third reading.



Engrossed Senate Bill No. 253 was read the third time.

Mr. Owen moved that the bill be recommitted to a select committee of three, with instructions.

Which was agreed to.

The Speaker appointed the following committee: Messrs. Owen, Tulley and Herod.

Engrossed House Bill No. 465 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, English, Faulkner, Fleming, Flodder, Garrouette, Handy, Harland, Hart, Herod, Hess, Hopkins, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Rooker, Saint, Schweitzer, Shields, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vanpelt, Van-Valzah, Vawter, Watson, Wimmer and Mr. Speaker—65.

Those who voted in the negative were: Messrs. Baker, Brown of Steuben, Galbraith, Robeson, Scholl, Shanks, Shauck and Stucker—8.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Tulley, from the special committee to whom was referred engrossed Senate bill No. 253, reported the same back, recommending that it be amended as follows: Strike out the word "ten," in line 12, page 2, and insert in lieu thereof the word "five," and when so amended that the bill do pass.

Report concurred in and the amendment ordered engrossed.

The question being, shall Senate bill No. 253 pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Compton, Confer, Connor, Copeland, Cunningham, Davidson, Davis, Donnell, English, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Johnston, Kester, Kirkpatrick, Lehman, Lindley, Messick, Nave, Overmyer, Owen, Perry, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer and Mr. Speaker—61.

Those who voted in the negative were: Messrs. Baker, Briggs, Carter, Dailey, Drake, Drover, Faulkner, Fleming, Kelly, March, Miers, Mitchell, Osborn of Vermillion, Reed, Saint, Scholl, Stevens, Thayer and Willard—19.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 392 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Carey, Carter, Compton, Confer, Connaway, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Hubbard, Lehman, Major, Messick, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robinson, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, VanValzah, Vawter and Watson—66.

Those who voted in the negative were: Messrs. Brown of Steuben, Bryant, Faulkner, Harland, Humphreys, Johnston, Kelly, Kirkpatrick, Lindley, March, Stucker and Mr. Speaker—12.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 466, and the same is herewith returned to the House for its further action thereon.

Mr. Dalton, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your committee on enrolled bills, to whom was referred enrolled House act No. 667, have examined the same and found it correctly enrolled.

Engrossed Senate bill No. 216 was read the third time.

Mr. Tulley moved that the bill be referred to a select committee of three, with instructions.

Which was not agreed to.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Robeson, Rodman, Rooker, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of War-  
rick, Thayer, Thompson, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—84.

Those who voted in the negative were: Messrs. Faulkner, Saint, Schweitzer and Tulley—4.

The bill passed.



The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

House Bill No. 687. Introduced by Mr. Humphreys, entitled "A bill for an act to authorize a loan to pay off the temporary loan debts heretofore incurred."

Read the first time.

Mr. Osborn of Elkhart moved that the constitutional rule be suspended that House bill No. 687 may be read the second time, considered engrossed, and read the third time and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—91.

Those who voted in the negative were: Messrs. Bryant and Kirkpatrick—2.

The constitutional rule was suspended.

House Bill No. 687 was read the second time and referred to the committee on ways and means.

Mr. Hubbard submitted the following resolution:

*Resolved*, That the Senate be requested to return to the House Senate bill No. 253 for further action thereon.

On motion of Mr. English the House adjourned.

## AFTERNOON SESSION.

MARCH 19, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The consideration of the resolution of Mr. Hubbard pending at adjournment was resumed.

The question being on the adoption of the same.

Which was not agreed to.

Engrossed House Bill No. 676 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hopkins, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reed, Reichelderfer, Robeson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulley, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—75.

Those who voted in the negative were: Messrs. Baker, Edwins and Vanpelt—3.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 303 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connoway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Ginz, Golden, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—82.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 338 was read the third time.

Mr. Briggs moved that the bill be recommitted to a select committee of three.

Mr. Davidson moved to lay the motion on the table.

On which, Messrs. Briggs and Edwins demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Carey, Connoway, Connor, Davidson, Davis, Drover, Faulkner, Garrouette, Ginz, Golden, Harland, Hart, Hess, Hopkins, Johnston, Kirkpatrick, Lindley, Major, Miers, Mitchell, Nave, Osborn of Vermillion, Reed, Robinson, Robeson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard and Mr. Speaker—49.



Those who voted in the negative were: Messrs. Allen, Briggs, Brown of Jasper, Bryant, Campbell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Edwins, English, Fancher, Fleming, Flodder, Galbraith, Handy, Herod, Hopkins, Humphreys, Huthsteiner, Kelly, Kester, March, Messick, Overmyer, Perry, Reichelderfer, Shutt, Skinner, Thornburg, Wimmer and Works—34.

The motion was agreed to.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Aiden, Arnold of Wabash, Barker, Blockley, Brown of Steuben, Bryant, Carey, Carter, Connaway, Connor, Davidson, Davis, Fancher, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Herod, Hess, Hopkins, Hosmer, Hubbard, Johnston, Kelly, Kester, Lindley, Major, March, Messick, Mitchell, Nave, Osborn of Vermillion, Overmyer, Reed, Robeson, Robinson, Rodman, Rooker, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Thornburg, Vauvelt, VanValzah, Vawter, Willard, Wimmer and Works—60.

Those who voted in the negative were: Messrs. Briggs, Brown of Jasper, Caldwell, Campbell, Compton, Confer, Cunningham, Dailey, Dalton, Donnell, Drake, Edwins, English, Faulkner, Fleming, Harland, Hart, Humphreys, Kirkpatrick, Miers, Perry, Reichelderfer, Saint, Scholl, Schweitzer, Taylor of Warrick, Thompson and Mr. Speaker—28.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 41, to authorize the State Librarian to distribute the reports of the State Geologist, and the same is herewith referred to the House for its action thereon.

Also, I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House concurrent resolution No. 28.

Also, enrolled House bill No. 667.

And the same are herewith returned to the House.

Senate concurrent resolution No. 41, in reference to Geological Reports, was read and adopted.

Engrossed House Bill No. 638 was called up by Mr. Allen and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Briggs, Brown of Jasper, Bryant, Compton, Confer, Copeland, Dailey, Davis, Drover, Edwins, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Johnston, Osborn of Elkhart, Reichelderfer, Rooker, Shauck, Shutt, Sleeth, Stucker, Vanpelt and Van Valzah—29.

Those who voted in the negative were: Messrs. Arnold of Wabash, Barker, Bearss, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Connaway, Connor, Cunningham, Dalton, Davidson, Donnell, English, Fancher, Faulkner, Flodder, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Mitchell, Osborn of Vermillion, Overmyer, Reed, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shields, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—59.

The bill failed to pass.

Engrossed House Bill No. 467, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Bearss, Brown of Steuben, Bryant, Campbell, Carey, Carter, Connaway, Connor, Dailey, Davidson, Davis, Donnell, English, Fancher, Fleming, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Scholl,

Schweitzer, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vawter, Watson, Willard and Works—53.

Those who voted in the negative were: Messrs. Alden, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hart, Hosmer, Humphreys, Johnston, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Rooker, Shutt, Stucker, Taylor of Daviess, Vanpelt and Mr. Speaker—30.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills have examined House enrolled act No. 466, and compared the same with the engrossed bill of the same number and find the same correctly enrolled.

The following message was received from the Governor:

*To the House of Representatives:*

I have received, approved and signed House Bills numbered as follows:

No. 664. An act for the relief of the estate of John T. Bishop and others. Approved March 18, 1879.

No. 665. An act for the relief of John R. Robinson and others from the payment of a certain judgment in the Montgomery circuit court. Approved March 18, 1879.

No. 610. An act to legalize the election of the board of trustees and all other officers of the town of Paoli, Orange county, Indiana. Approved March 19, 1879.

No. 660. An act to legalize the election held in the year 1878 in the town of Edinburg, Johnson county, Indiana. Approved March 19, 1879.

No. 661. An act to legalize certain acts of the board of commissioners of Clinton county. Approved March 19, 1879.



No. 662. An act to legalize the incorporation of the town of Auburn, DeKalb county, Indiana. Approved March 19, 1879.

No. 666. An act to amend section one (1) of an act entitled an act to provide for the incorporation of any public or private cemetery already laid out. Approved March 19, 1879.

And have caused said acts to be deposited in the office of the Secretary of State.

JAMES D. WILLIAMS.

Governor's Office, March 19, 1879.

Engrossed House bill No. 286, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Compton, Confer, Connor, Cunningham, Davidson, Davis, Donnell, Drover, English, Fleming, Flodder, Golden, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Kelly, Kirkpatrick, Lehman, Major, March, Miers, Overmyer, Owen, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Schweitzer, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vawter, Watson, Willard, Works and Mr. Speaker—65.

Those who voted in the negative were: Messrs. Arnold of Wabash, Carter, Drake, Fancher, Faulkner, Garrouette, Handy, Hart, Johnston, Kester, Lindley, Messick, Osborn of Vermillion, Saint, Shauck, Shutt and Tulley—18.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Overmyer, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 687, recommend that said bill do pass after being amended as follows:

Strike out all after the enacting clause in section 1 and insert in lieu of the matter stricken out the following: "That it shall be lawful for the Governor, Auditor and Treasurer of State to borrow on the credit of the State the sum of five hundred and ten thousand dollars (\$510,000), with which to pay the temporary loan of the State which falls due April 1, 1879, and the further sum of two hundred thousand dollars (\$200,000), with which to pay the temporary loan of the State which falls due December 1, 1879. For the purpose of borrowing said sum of money with which to pay said debt the Governor, Auditor and Treasurer of State may issue and sell the bonds of the State, redeemable at the pleasure of the State after five years and payable in ten years from the date thereof, bearing interest at the rate of five per cent. per annum, payable semi-annually. Said bonds shall not be sold for less than the par value thereof, and no money shall be borrowed under this act until said debts of the State above specified as falling due April 1, 1879, and December 1, 1879, shall have severally become due. When the money borrowed under the provisions of this act shall have been paid into the state treasury it shall be applied to the payment of the said debts of the State above specified. And no money shall be borrowed on the credit of the State except to pay the above specified debts of the State, as provided in this act.

Report concurred in and the amendments ordered engrossed.

Engrossed House Bill No. 687 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Dalton, Davidson, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouthe, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Osborn of Elkhart, Osborn of Vermillion, Owen, Perry, Reichelderfer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shields, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Works and Mr. Speaker—78.

Those who voted in the negative were: Messrs. Kirkpatrick, Miers, Stucker and Willard—4.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled House act No. 466.

Mr. Humphreys was called to the chair.

Mr. Shanks, from the select committee, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 570, have had the same under consideration and recommend that the bill be amended as follows: After the word "performance," in line 11, page 4 of the bill, insert these words: "To carry on the business of stock and exchange broker in buying and selling stock, bank notes, gold, silver, promissory notes and bills of exchange, whether by individual or corporation, one hundred dollars for one year." Strike out all after the word "and" in line 2, section 2, on page 7 of the bill down and including the word "but" on the fifth line of said page, and insert in lieu thereof these words: "That in counties throughout this State that have agricultural societies, and in counties that have no agricultural societies, but where they compose a part of some district agricultural society, that the money arising from any and all of the sources mentioned in section 1 of this act be paid over by the county treasurer of their respective counties to the county agricultural society, if any in the county, and if not, then to the district agricultural society of which said county is a part, provided that counties that compose a part of more than one district agricultural society, that said money, so referred to as above, shall be paid equally to said district agricultural society: *Provided*, That not anything herein contained shall be so held or construed as to prevent towns and cities from collecting the fees for licenses, which towns and cities are now or may hereafter be authorized by law to collect for like purposes."

Amend the title as follows:

After the word "to," where it first occurs in the title to said bill



No. 570, insert these words: "A broker or to keep a ferry or to." And your committee would recommend that when said amendments have been made to said bill that it do pass.

Mr. Taylor, of Daviess, moved that the bill be recommitted to the same committee.

Which was agreed to.

Mr. Gordon offered the following resolution:

WHEREAS, The investigations of the management of the Insane Hospital for the Insane, now in progress before a committee of the House, has been extended so as to involve the conduct of one of the assistant physicians of that institution, and may extend to others not embraced in the scope of the original resolution under which the same was instituted; and

WHEREAS, Such assistant physician, as the committee is now constituted, has not enjoyed the opportunity of cross-examining witnesses who have testified to his prejudice, and may not have an opportunity to defend his conduct and character, both of which have been assailed in the course of the examination; therefore,

*Resolved by the House of Representatives (the Senate concurring therein),* That Dr. William H. Hester, assistant physician in said hospital be and he is hereby authorized to appear before said committee in person and by attorney, to cross-examine any and all witnesses who may have spoken in their testimony adversely, or may so speak adversely to his action or character as such assistant physician, and fully to defend himself against all charges or statements, coming from whatsoever quarter, against him in the course of such investigation, and for that purpose any witness who has testified may be recalled, to be by him cross-examined touching what they may have said against him, and those other persons whose conduct or character may have been called in question in such investigation may have the same right of defense.

Mr. Osborn filed his motion to reconsider the vote on the resolution of Mr. Herod.

House Bill No. 688. Introduced by Mr. VanValzah, entitled "A bill for an act establishing a Militia of the State of Indiana and for the organization and regulation of the said Indiana Militia; prescribing penalties for the violation of said regulations; providing for the election and appointment of officers; defining the duties and authority of military and civil officers, and penalties for the neglect or violation thereof; providing for courts-martial; courts of inquiry;

councils of administration; boards of officers to form regulations for the militia; military encampment, payment of officers and enlisted men when on duty; defining the exemptions allowed to enrolled members of the militia; prescribing the uniform of the Indiana Legion; making appropriation for the support of said militia and other matters connected therewith; repealing all laws heretofore enacted on the subject, and declaring an emergency for the immediate taking effect thereof."

Read the first time.

On motion of Mr. Perry the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

---

## • THURSDAY MORNING.

MARCH 20, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Allen, the further reading thereof was dispensed with.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 659, direct me to report the same back with the recommendation that the bill be indefinitely postponed.

Which report was concurred in.

Mr. Davidson, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture, to whom was referred House bill No. 680, have had the same under consideration and a majority of said committee direct me to report the same back with a recommendation that it do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Osborn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the claim of the estate of John P. Dunn against the State, beg leave to report that they have had the same under consideration. As your committee understand, the matter referred to them, is to report whether, as a question of law, the State would be entitled to interest on the sum of \$9,242.21, which it is conceded said Dunn owed the State, and we are to determine this question upon the statement of fact submitted to us as found by the Governor, Secretary and Treasurer of State, under and pursuant to a concurrent resolution adopted at the fiftieth session of the General Assembly.

Upon this statement of facts we have no hesitation in reporting, as our opinion, that the State was and is entitled to interest on said amount as against said John P. Dunn and his estate.

Report concurred in.

Mr. Dailey, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee on elections, to whom was referred House bill No. 677, by Mr. Stucker of Crawford and Orange, entitled "An act to protect the purity, honesty and freedom of the elective franchise, to aid the people to control fair and honest elections, to define violations of the election laws, to prescribe penalties and punishments therefor, to provide means of obtaining testimony in such cases, to add a new clause to official oaths and to repeal all conflicting laws," after having duly considered the said bill report the same back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered to be engrossed.

Mr. Huthsteiner, from the committee on insurance, submitted the following report:

MR. SPEAKER:

Your committee on insurance have had under consideration House bill No. 658, introduced by Mr. Herod, and return the same herewith, with the recommendation that it do pass.



The committee also recommend that House bill No. 445, introduced by Mr. English, be taken from the table, engrossed and placed upon the calendar for passage.

Report concurred in.

House Bill No. 689. Introduced by Mr. Shutt, entitled "An act to amend section 74 of an act entitled an act to divide the State into circuits for judicial purposes, fixing the time for holding courts therein, abolishing the courts of common pleas and transferring the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases, approved March 6, 1873, to provide for the appointment of a judge and prosecuting attorney thereof, fixing the time of holding courts therein and in the thirty-fifth circuit, and declaring an emergency."

Read the first time.

House Bill No. 690. Introduced by Mr. English, entitled "A bill for an act to authorize the board of county commissioners to appoint justices of the peace when vacancies may occur in said office, repealing all laws in conflict therewith and declaring an emergency."

Read the first time.

Messrs. Shanks and Works, from the special committee to whom was referred the concurrent resolution in relation to the brevier reports, submitted the following report:

MR. SPEAKER:

Your special committee, to whom was referred the following resolution, to-wit:

*"Resolved by the House of Representatives (the Senate concurring therein), That W. H. Drapier be authorized to continue the brevier legislative reports, at the same price and the same number of copies furnished by him to every General Assembly since 1857—seventeen years;"* with instructions to report to the House the expense of the brevier reports, have had the same under consideration and report that Mr. Drapier proposes to furnish the reports at two-thirds of one cent per page, provided that the cost shall not exceed two dollars per volume, including both the general and special sessions. The reports for former years, at the same rate per page, have cost the following amounts:

1865.....	\$4,377 60
1866.....	2,920 00
1867.....	4,760 00
1869.....	4,946 00
1871.....	6,589 40
1872.....	4,853 33
1873.....	7,810 26

The number of volumes authorized to be published each year was 1,750. The same number, under the proposition that the reports shall not cost to exceed two dollars per volume, would cost this year not to exceed \$3,500.

The reports were not furnished for the years 1875 and 1877.

House Bill No. 691. Introduced by Mr. Stucker, entitled "An act providing for reducing the jurisdiction of the circuit and grand juries and increasing the criminal jurisdiction of justices of the peace, and amendatory of certain acts therein named."

Read the first time.

House Bill No. 692. Introduced by Mr. English, entitled "A bill for an act to repeal sections 1, 3, 7 and 8 of an act approved March 9, 1863, providing for the inspection of petroleum and other illuminating oils, and prescribing the manner of inspecting petroleum."

Read the first time.

Mr. March offered the following resolution:

A concurrent resolution instructing our Senators and requesting our Representatives to use their efforts to amend the national banking laws in relation to the jurisdiction of the courts over controversies between banking associations located in any state or territory and the citizens of the same state or territory.

Which was adopted.

House Bill No. 693. Introduced by Mr. Herod, entitled "A bill for an act to authorize Thomas Wren to institute and prosecute a suit against the city of Indianapolis to recover money claimed to be due him from said city for work done by him in grading and graveling certain streets in said city."

Read the first time.

House Bill No. 694. Introduced by Mr. Hopkins, entitled "A bill to amend the fiftieth section of the city charter of Evansville."

Read the first time.

House Bill No. 695. Introduced by Mr. English, entitled "An act to authorize and enable the city council of any incorporated city to recommend the removal of any cemetery that shall have become enclosed in the city limits, and provide a new cemetery."

Read the first time.

Mr. Overmyer offered the following concurrent resolution:

*Resolved by the House of Representatives (the Senate concurring therein), That this General Assembly will adjourn sine die on Saturday, March 22, 1879, at 12 o'clock noon.*

Mr. Miers moved to amend by striking out Saturday, 12 o'clock noon, and insert Monday, March 24.

Mr. English moved that the resolution and amendments be postponed until Saturday, at 2 o'clock P. M.

Mr. Works moved the previous question.

Which was seconded.

The question being on the motion of Mr. English to postpone the resolution until Saturday.

Messrs. Overmyer and Hess demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Johnston, Kester, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Warwick, Tulley, Vanpelt, Wimmer, Works and Mr. Speaker—54.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Donnell, Fancher, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, March, Messick, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Shanks, Skinner, Snoddy, Stevens, Taylor of Daviess, Thornburg, VanValzah, Vawter and Watson—35.

The motion prevailed, and the further consideration was postponed until Saturday at 2 o'clock P. M.



Mr. March, from the special committee, to whom was referred engrossed Senate bill No. 103, entitled "An act to authorize cities to construct, maintain and operate water works," etc., have had the same under consideration and instruct me to report the same back to the House, with the following amendment, to-wit:

Amend section 1 by striking out in line 13, page 4, the words "a majority of the legal voters thereof," and insert the words "a majority of all the votes cast at such election," upon the said question of "works." Also insert in said section in line 17, page 4, after the word "bonds," the following words, "so far as the same can be made applicable." Also, by striking out the word "exceeding" in line 3, page 5, section 1, and insert in lieu thereof the word "exceed."

Also amend by adding to said section 1 the following:

*Provided further,* That notice of such election and submission of said question of water works thereat shall be published for three weeks successively before the day of such election, in some newspaper printed and published in such city or town, and of general circulation therein, which said notice shall be signed by the clerk of such city or town.

And the committee recommend that when so amended said bill do pass.

Mr. Tulley moved that the amendments be considered engrossed and the bill put upon its passage.

Which motion prevailed.

Engrossed Senate Bill No. 103 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Briggs, Brown of Steuben, Caldwell, Campbell, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Edwins, Fancher, Fleming, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Nave, Osborn of Vermillion, Overmyer, Perry, Reed, Reichelderfer, Robinson, Rooker, Scholl, Schweitzer, Shanks, Skinner, Stevens, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, VanValzah, Vawter, Willard and Wimmer—60.

Those who voted in the negative were: Messrs. Blockley, Brown of Jasper, Drover, English, Faulkner, Galbraith, Garrouette, Ginz, Handy, Hosmer, Huthsteiner, Kirkpatrick, Mitchell, Shields, Snoddy, Stucker, Works and Mr. Speaker—18.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 671 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drover, English, Fancher, Faulkner, Flodder, Ginz, Handy, Harland, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Perry, Reed, Reichelderfer, Robeson, Rodman, Rooker, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Van Valzah, Vawter, Wimmer, Works and Mr. Speaker—72.

Those who voted in the negative were: Messrs. Galbraith, Lindley, Stucker and Willard—4.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills have examined enrolled act

No. 663, House of Representatives, and compared the same with the engrossed bill of the same number and find the same correctly enrolled.

Engrossed Senate Bill No. 426 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davis, Donnell, Drover, English, Fancher, Faulkner, Fleming, Ginz, Hart, Herod, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Roberson, Robinson, Rooker, Schweitzer, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, VanValzah, Vawter, Willard, Wimmer, Works and Mr. Speaker—71.

Those who voted in the negative were: Messrs. Cunningham, Handy, Harland and Hosmer—4.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Shanks offered the following concurrent resolution:

*Resolved by the House of Representatives (the Senate concurring).* That the committee of ways and means of the House jointly with a committee to be designated by the Senate, examine and report to the respective houses of the General Assembly, the amount, if any, that the State should pay to Marion county for the use of gas, water, heating, carpets and furniture used by the General Assembly at this regular and special session, property of said Marion county.

Which was adopted.

Mr. Shutt moved that the constitutional rules be suspended and that House bill No. 689 be read the second time by title, and that it be considered engrossed and read the third time and put upon its passage.



The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Conna-way, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drover, English, Fleming, Flodder, Galbraith, Handy, Harland, Hart, Herod, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Willard, Wimmer and Works—75.

Those who voted in the negative were: Messrs. Humphreys and Mr. Speaker—2.

The rules were suspended, and House bill No. 689 was read the second time by title, and the third time by sections and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Briggs, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Messick, Miers, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Tulley, Vawter, Watson, Willard, Wimmer and Works—74.

Those who voted in the negative were: Messrs. Baker, Faulkner, Humphreys, Johnston, Mitchell, Osborn of Vermillion, Stucker, Vanpelt and Mr. Speaker—9.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker informed the House that he had signed House bill No. 663.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has amended and passed engrossed House bill No. 486, "an act to apportion the State for congressional purposes." And the same, with the engrossed Senate amendments thereto, is herewith submitted to the House of Representatives for its action thereon.

Engrossed House Bill No. 486, with engrossed Senate amendments, was taken up and read.

Mr. English moved that the House concur in the amendments.

Messrs. Overmyer and English demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were : Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Compton, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—57.

Those who voted in the negative were: Messrs. Arnold of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Conna-way, Connor, Copeland, Donnell, Fancher, Golden, Gordon, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Overmyer, Owen, Reed, Robinson, Robeson, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thornburg, Vawter and Watson—37.

The amendments were concurred in.

Engrossed House Bill No. 469 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, English, Fañcher, Flodder, Galbraith, Garroutte, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Owen, Reed, Robinson, Rooker, Saint, Scholl, Shanks, Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—74.

Those who voted in the negative were: Messrs. Allen, Brown of Steuben, Connaway, Faulkner, Golden, Overmyer, Robeson, Snoddy and Thompson—9.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker informed the House that he had signed engrossed Senate act No. 216 and Senate concurrent resolution No. 41.

Engrossed Senate Bill No. 271 was read the third time.

On motion of Mr. March engrossed Senate bill No. 271 was re-committed to a select committee of three.

Messrs. March, Saint and Harland were appointed as such committee.

Engrossed Senate Bill No. 313 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Blockley, Briggs, Caldwell, Campbell,



Carey, Confer, Connaway, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hopkins, Humphreys, Huthsteiner, Johnston, Kester, Kirkpatrick, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Reed, Reichelderfer, Robeson, Robinson, Saint, Scholl, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Schweitzer, Taylor of Lagrange, Taylor of Warrick, Vanpelt, Van Valzah, Watson, Works and Mr. Speaker—65.

Those who voted in the negative were: Messrs. Brown of Jasper, Brown of Steuben, Carter, Connor, Fancher, Faulkner, Golden, Hess, Hosmer, Kelly, Lindley, Osborn of Elkhart, Owen, Rooker, Shanks, Taylor of Daviess and Vawter—17.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House bill No. 568 was read the third time and put upon its passage.

Mr. English moved that the bill be recommitted to a select committee of three.

Which motion did not prevail.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Barker, Bearss, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Donnell, Fancher, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Miers, Overmyer, Owen, Reed, Robeson, Robinson, Saint, Scholl, Shanks, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Warrick, Vanpelt, VanValzah, Vawter, Watson and Works—45.

Those who voted in the negative were: Messrs. Alden, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Confer, Cunningham, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Gordon, Hart, Hosmer, Humphreys, Johnston, Kester, Lehman, Mitchell, Nave, Osborn of Vermillion,

Perry, Reichelderfer, Rooker, Shields, Shutt, Thompson, Tulley, Willard and Wimmer—37.

The bill failed to pass for want of a constitutional majority.

On motion of Mr. Edwins the House adjourned.

---

## AFTERNOON SESSION.

MARCH 20, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Perry offered the following resolution :

*Resolved*, That the chairman of the committee on cities and towns be instructed to return Senate bill No. 374 to this house at 3 o'clock P. M. to-day, and that said bill be acted upon by this house at the hour above named.

Which was laid on the table.

Mr. Saint offered the following resolution :

*Resolved*, That when the call of the roll of members is resumed for taking up bills, the Speaker of this House be authorized to reverse the usual order by commencing with the last named on the roll and calling through to the first, and that this order be continued until the end of this term.

On motion of Mr. Edwins, the resolution was laid on the table.

Mr. Huthsteiner moved that engrossed Senate bill No. 381 be taken from the table and placed on the calendar.

Which was agreed to.

Engrossed House Bill No. 587 was read the third time, and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Connor, Cun-

ningham, Davidson, Davis, Drake, Drover, Edwins, Fancher, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Nave, Osborn of Vermillion, Overmyer, Owen, Reichelderfer, Robeson, Robinson, Rodman, Saint, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thornburg, VanValzah, Vawter and Watson—62.

Those who voted in the negative were: Messrs. Confer, Dailey, English, Faulkner, Handy, Humphreys, Mitchell, Osborn of Elkhart, Scholl, Schweitzer, Stucker, Taylor of Warrick, Tulley, Vanpelt and Mr. Speaker—15.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engróssed House Bill No. 568, which failed to pass for want of a constitutional majority, was called up and again put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Barker, Bearss, Brown of Steuben, Campbell, Carter, Confer, Connaway, Connor, Cunningham, Dalton, Davidson, Fancher, Golden, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Kelly, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shields, Skinner, Snoddy, Stevens, Taylor of Daviess, Thayer, Thornburg, Vanpelt, VanValzah, Vawter, Watson and Willard—52.

Those who voted in the negative were: Messrs. Alden, Allen, Blockley, Briggs, Brown of Jasper, Caldwell, Compton, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Humphreys, Johnston, Kester, Rooker, Shauck, Shutt, Stucker, Taylor of Warrick, Tulley and Wimmer—27.

The bill passed.



The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 436 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carter, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Edwins, English, Faulkner, Galbraith, Garrouette, Ginz, Golden, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Rodman, Rooker, Saint, Scholl, Shauck, Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer and Mr. Speaker—79.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Dalton, from the committee on enrolled bills, submitted the following report:

**MR. SPEAKER:**

Your committee on enrolled bills have examined enrolled House act No. 486, and find it correctly enrolled.

Engrossed House Bill No. 672 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carter, Compton, Confer, Connor, Copeland, Cunningham, Dailey, Davis, Donnell, Drake, Edwins, English, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Warrick, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard and Mr. Speaker—74.

Those who voted in the negative were: Messrs. Faulkner and Wimmer—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker informed the House that he had signed enrolled House act No. 486.

Mr. Lehman, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was recommitted engrossed Senate bill No. 374, with certain amendments and instructions, with a view of furnishing facts as regards the same, have performed that duty, and after hearing exhaustive arguments, and giving the question thorough examination, beg leave to submit the following:

In the year 1783 the Commonwealth of Virginia, by an act of its Legislature, passed in that year (1783), provided for the establishment and laying out of a town by the name of Clarksville, with convenient streets, upon a tract of one thousand acres, situated in Clark county, between the present sites of New Albany and Jeffersonville. A portion of said land lies within Floyd county. For further particulars as to this matter see Davis' Revised Statutes, volume 2, page 711.

Trustees were named under that act whose duty it was to sell the

lots at public auction, and the law then provides that the money arising from such sale shall be applied by said trustees in such manner as they may judge most beneficial for the inhabitants of said town, and it was further provided that "in case of the death, removal out of the county, or other legal disability of any of said trustees, the remaining trustees shall supply such vacancies by electing others from time to time, who shall be vested with the same powers as those particularly nominated in the act."

The fund accruing from said lots amounts now to \$12,079.75, and from the detailed statement furnished us seems to be well and securely invested. At the cession of the northwest territory by Virginia to the United States, the former reserved this tract of land and did not further exercise or endeavor to exercise any jurisdiction over this tract of land, but left the entire matter in the hands of the trustees, by her selected and appointed.

From the first organization of Indiana as a territory, and afterwards into a State, and until 1850, Indiana exercised no jurisdiction over this matter, but during the session of the Constitutional Convention of Indiana the Hon. Henry P. Thornton, the delegate from Floyd county, proposed the following as the sixteenth specification of the schedule of the constitution :

Sixteenth. The General Assembly may alter or amend the charter of Clarksville, and make such regulations as may be necessary for carrying into effect the objects contemplated in granting the same; and the funds belonging to said town shall be applied according to the intention of the grantor. (See p. 46, vol. 1, Davis' Revised Statutes.)

We find by reference to the proceedings of the Constitutional Convention (vol. 2, p. 2062,) that when adopting said clause, it was the sole object of the mover thereof, to place the property of the town in a way that it could best be applied for the benefit of the citizens of said town.

Your committee further find that afterwards, on June 17, 1852, at the first session after the adoption of the constitution, the General Assembly passed an act providing for the appointment of three trustees, who were authorized to obtain the funds of Clarksville from the old trustees. (See page 96, Acts 1852.) Under this act trustees have been appointed, but never claimed to act under the law of 1852. The original trustees and their successors have at all times managed the trust, and are doing so now.

As heretofore stated, the amount of the trust is now \$12,079.75,



well invested and bringing interest, and no charge is brought from any side but what the acting trustees are honest, capable and careful, the only claim against them is that only one of them is a resident of Clarksville, proper, and that the other two are residents of the city of Jeffersonville; further complaint is also made that they are not liberal enough in the expenditure of the trust funds in their hands, in answer to this the trustees submit a schedule of expenditures amounting to \$5,451, applied for bridges and roads, school houses and repairs, schools, and various other matters, all in the interest of the entire territory. It seems that the trustees have been careful to leave the original trust fund intact, using only the interest.

The object of the present bill is to do away with these trustees, as originally constituted by the grantor and allow the people of Clarksville to elect five trustees into whose hands this money shall be placed and by whom it shall be expended.

Acting under instructions it is not the province of your committee to do more than set forth the *facts* and yet they may be permitted to say that this was an *express trust*, vested in trustees and their successors, and as such trustees they are subject to this class of legislation, that the matter is beyond the reach of the Legislature and entirely in the hands of the courts, should the trustees at any time misuse or misappropriate the funds in their hands.

Under further instructions from the House we report the following amendments:

Amend section 1 by adding at the close thereof the following words: "And which said trustees shall give bond in the sum of five thousand dollars each, with security to be approved by the clerk of the circuit court of Clark county, Indiana, for the faithful performance of their duties and the proper application of the said funds."

Add also the following:

Section 2. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

In conclusion, your committee adhering closely to their instructions, desire to make no recommendation as to the advisability of passing the bill or not, but having presented the facts so far as they understand them, hereby return said bill to the House for its action thereon.

The report was concurred in and the amendments ordered to be engrossed.

Engrossed House Bill No. 105 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Carter, Connaway, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Edwins, English, Galbraith, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rooker, Schweitzer, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, VanValzah, Vawter and Mr. Speaker—63.

Those who voted in the negative were: Messrs. Compton, Confer, Drover, Fancher, Faulkner, Handy, Hart, Saint, Scholl, Shanks, Shields, Tulley, Watson, Wimmer and Works—16.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Osborn of Elkhart withdrew his motion to reconsider the vote on the resolution introduced by Mr. Herod.

Engrossed Senate Bill No. 203 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Caldwell, Campbell, Confer, Connaway, Cunningham, Dailey, Davidson, Davis, Donnell, Flodder, Galbraith, Garrouette, Harland, Hart, Herod, Hopkins, Humphreys, Kelly, Lehman, Lindley, Messick, Miers, Nave, Perry, Reed, Reichelderfer, Robeson, Robinson, Scholl, Schweitzer, Shields,

Shutt, Skinner, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard and Mr. Speaker—48.

Those who voted in the negative were: Messrs. Allen, Brown of Jasper, Brown of Steuben, Carter, Drover, Edwins, English, Faulkner, Ginz, Handy, Hess, Hosmer, Hubbard, Johnston, Kester, March, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Rodman, Rooker, Shanks, Shauck, Snoddy, Stevens, Stucker and Wimmer—29.

The bill failed to pass for want of a constitutional majority.

Engrossed House Bill No. 607 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Wabash, Blockley, Campbell, Davidson, Davis, Donnell, Drover, English, Ginz, Handy, Harland, Johnston, Kelly, Kester, Kirkpatrick, Lehman, March, Mitchell, Nave, Osborn of Elkhart, Robinson, Rooker, Saint, Scholl, Schweitzer, Shields, Shutt, Snoddy, Stucker, Taylor of Warrick, Tulley, Watson and Mr. Speaker—35.

Those who voted in the negative were: Messrs. Alden, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carter, Compton, Connaway, Connor, Cunningham, Dailey, Dalton, Drake, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Hart, Herod, Hopkins, Hosmer, Humphreys, Lindley, Messick, Overmyer, Owen, Reichelderfer, Robeson, Shanks, Skinner, Stevens, Taylor of Daviess, Taylor of Lagrange, Thompson, Thornburg, Vanpelt, VanValzah, Vawter, Willard and Wimmer—44.

The bill failed to pass.

The Speaker informed the House that he had signed enrolled House acts Nos. 466 and 663.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House act No. 466.

Also House act No. 663.

Also House act No. 486.

And the same are herewith returned to the House.



Mr. Dalton, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

Your committee on enrolled bills to whom was referred enrolled House concurrent resolution No. 30 have examined the same, and find the same correctly enrolled.

The following message was received from the Senate by the Secretary thereof :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has adopted House concurrent resolution No. 30, concerning allowances for expenses to persons therein named in visiting Purdue University, etc., and the same is herewith returned to the House.

House bill No. 688 was read the second time and referred to the committee on military affairs.

By unanimous consent Messrs. Rosenthal & Co. were granted leave to withdraw their claim.

Engrossed House Bill No. 562 was read the third time and put upon its passage.

On motion, the emergency clause was stricken out by consent.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Baker, Bearss, Blockley Briggs, Brown of Jasper, Brown of Steuben, Campbell, Carter, Confer, Connaway, Connor, Dalton, Davidson, Davis, Donnell, Drover, Handy, Harland, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Shanks, Shauck, Skinner, Snoddy, Stevens, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Vawter, Watson and Mr. Speaker—50.

Those who voted in the negative were: Messrs. Alden, Briggs, Compton, Cunningham, Dailey, Drake, Edwins, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Kester, Lehman, Messick, Nave, Perry, Reichelderfer, Schweitzer, Taylor of Daviess, Van Valzah, Willard and Mr. Speaker—25.

The bill failed to pass for the want of a constitutional majority.

Engrossed House Bill No. 506 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Confer, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shields, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard and Mr. Speaker—67.

Those who voted in the negative were: Messrs. Ginz, Handy, Hosmer and Perry—4.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker informed the House that he had signed enrolled concurrent resolution No. 30.

Engrossed House Bill No. 605, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carter, Confer, Connaway, Connor, Copeland, Dalton, Davidson, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Johnston, Kelly, Kester, Kirkpatrick, Lehman, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Robeson, Robinson, Rooker, Scholl, Shields, Skinner, Stevens, Taylor of Lagrange, Taylor of Warrick, Watson and Willard—55.

Those who voted in the negative were: Messrs. Golden, Hubbard, Lindley, Overmyer, Owen, Reichelderfer, Rodman, Schweitzer, Shanks, Shutt, Snoddy, Stucker, Tulley, Vanpelt, Vawter and Mr. Speaker—16.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

On motion of Mr. Dalton the House adjourned.

(Approved.)

HENRY S. CAUTHORN.  
Speaker of the House of Representatives.

## FRIDAY MORNING.

MARCH 21, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Faulkner, the further reading was dispensed with.

Mr. Huthsteiner, from the committee on insurance, submitted the following resolution:

*Be it resolved by the House of Representatives (the Senate concurring therein), That the Attorney General of the State, the Auditor of State, and a third person to be appointed by the Governor of the State, shall constitute a commission, whose duty it shall be to prepare and present to the next General Assembly of the State a bill for an act embracing a codification of the insurance laws of this State, so amended and with such additional sections and provisions as will, when passed upon, provide an insurance law which will properly regulate the business of foreign and domestic companies doing business in this State, and provide for a proper collection and accounting of all moneys due from such companies, and embrace such other matter as in the opinion of said commission will be nec-*



essary to frame a good insurance law. The person to be appointed by the Governor as a member of said commission shall be allowed such compensation for his services as may be determined upon and certified to by the Attorney General, the Auditor and Governor of the State; *Provided*, Such compensation shall not exceed the sum of two hundred dollars.

The Auditor of State is hereby authorized to draw his warrant on the State Treasurer for the compensation above provided for.

The Attorney General and Auditor of State shall receive no compensation for their services as members of said commission.

Which was adopted.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 679 have had the same under consideration and directed me to report it back and recommend its passage.

Report concurred in and the bill ordered engrossed.

Mr. Faulkner, from the committee on temperance, submitted a report on House bill No. 682.

Mr. Lindley, from the same committee, presented a minority report on said bill.

Mr. March moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Carter, Compton, Confer, Connaway, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reichelderfer, Robeson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—80.

Mr. March moved to dispense with the further call of the House, and that the majority and minority reports be considered at two o'clock P. M.

Mr. Watson called up House bill No. 693, which was read the second time and ordered to be engrossed.

House Bill No. 695 was read the second time and ordered to be engrossed.

House bill No. 694 was read the second time and referred to the committee on cities and towns.

Engrossed House Bill No. 623 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carter, Confer, Connaway, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Fancher, Fleming, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vaupelt, Vawter, Watson, Willard, Wimmer and Mr. Speaker—71.

Mr. Faulkner voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

House Bill No. 690 was read the second time and laid on the table for the present.

House Bill No. 691 was read the second time and referred to the committee on the judiciary.

House Bill No. 692 was read the second time and laid on the table for the present.

Engrossed House Bill No. 317 was read the third time and, on motion of Mr. Kirkpatrick, was laid on the table.

The Speaker reported that he had signed enrolled Senate acts Nos. 253, 303, 392, 313, 308 and 338.

Engrossed House Bill No. 597 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Blockley, Brown of Steuben, Carey, Confer, Connaway, Connor, Dailey, Dalton, Donnell, Garrouette, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kirkpatrick, Lehman, Major, March, Messick, Osborn of Elkhart, Owen, Perry, Rodman, Rooker, Saint, Schweitzer, Shanks, Skinner, Taylor of Lagrange, Taylor of Warrick, Van Valzah, Vawter, Watson and Willard—40.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Barker, Brown of Jasper, Bryant, Caldwell, Campbell, Carter, Compton, Copeland, Cunningham, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Golden, Hart, Humphreys, Kelly, Kester, Lindley, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Reichelderfer, Robeson, Scholl, Shauck, Shields, Shutt, Snoddy, Stevens, Stucker, Thornburg, Vanpelt, Wimmer, Works and Mr. Speaker—47.

The bill failed to pass.

Engrossed House Bill No. 477 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Compton, Confer, Connaway, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Gol-



den, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, VanValzah, Vawter, Willard, Wimmer, Works and Mr. Speaker—86.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The claim of Alfred Moody, on motion of Mr. Allen, was taken from the table.

The question being, will the House reconsider its vote by which the claim was rejected?

Which was agreed to.

Mr. Edwins moved that the claim and report of the committee be referred to a select committee.

Mr. Owen moved to lay the motion on the table.

Which was not agreed to.

The question recurring on the motion of Mr. Edwins.

Mr. Overmyer moved that the whole matter be referred to the committee on ways and means.

Which was agreed to.

Mr. Taylor of Daviess, moved that the vote by which engrossed Senate bill No. 207 was lost, be reconsidered.

Mr. Copeland moved that the motion do lie on the table.

On which motion Messrs. Willard and Taylor of Daviess demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Baker, Blockley, Brown of Steuben, Campbell, Carey, Compton, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davis, Donnell, Drake, Edwins, Fancher, Faulkner, Galbraith, Garrouette,

Ginz, Handy, Hart, Hess, Hosmer, Hubbard, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Mitchell, Osborn of Vermillion, Owen, Reichelderfer, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Alden, Barker, Bearss, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Dalton, Davidson, Drover, Flodder, Golden, Herod, Hopkins, Humphreys, Huthsteiner, Messick, Miers, Nave, Osborn of Elkhart, Overmyer, Perry, Robinson, Taylor of Daviess, Thompson, VanValzah and Willard—28.

The motion was agreed to.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 429, entitled "An act concerning the election held in 1878 in the town of Washington," and the same is herewith submitted to the House of Representatives for its action thereon.

And I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House concurrent resolution No. 30, and the same is herewith returned to the House.

Engrossed Senate Bill No. 429, entitled "An act to legalize the election held in the year 1878, in the town of Washington, Wayne county, Indiana, and to legalize the official acts of the board of trustees of said town, for said year, and to legalize the acts of all other officers of said corporation, for said year, under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties, approved June 11, 1852, and to legalize all by-laws, rules, regulations and proceedings of said board of trustees and said other officers, adopted in pursuance thereof."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 401, "An act concerning the annexation of lots to the city of New Albany."

Also, engrossed House bill No. 672, "An act concerning the official acts of the trustees of the town of Merôm."

Also, engrossed House bill No. 689, "An act creating the fortieth judicial circuit."

And the same are herewith returned to the House of Representatives.

Also, I am directed by the Senate to inform the House of Representatives that the Senate has amended the House amendments to Senate engrossed bill No. 103, and then concurred therein.

And said bill and engrossed amendments are herewith submitted to the House of Representatives for its action thereon.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined House enrolled act No. 689, and compared the same with the engrossed bill of the same number, and find the same correctly enrolled.

Engrossed Senate amendments to engrossed Senate bill No. 103 were read.

Mr. Osborn moved that the House do concur in Senate amendments.

Which was not agreed to.

Mr. Sleeth moved that a committee of conference be appointed on engrossed Senate bill No. 103.

Which was agreed to.

Messrs. Sleeth and Fleming were appointed as such committee.

House bill No. 690 was referred to the committee on courts.

Engrossed House Bill No. 203 was called up.

The question being, shall the bill pass?

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Baker, Barker, Briggs, Bryant, Caldwell, Campbell, Carey, Compton, Confer, Connaway, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Fancher, Fleming, Flodder, Garrouette, Harland, Herod, Hopkins, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Lehman, Lindley, Major, Messick, Nave, Overmyer, Owen, Perry, Reichelderfer, Robinson, Scholl, Schweitzer, Shauck, Shields, Skinner, Sleeth, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Willard and Mr. Speaker—56.

Those who voted in the negative were: Messrs. Arnold of Wabash, Blockley, Brown of Jasper, Brown of Steuben, Carter, Drake, Drover, Edwins, English, Faulkner, Galbraith, Ginz, Handy, Hart, Hess, Hosmer, Johnston, Kirkpatrick, March, Miers, Osborn of Elkhart, Osborn of Vermillion, Robeson, Rodman, Rooker, Shanks, Shutt, Stevens, Stucker, Wimmer and Works—31.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 471 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Edwins, English, Fancher, Fleming, Flodder, Garrouette, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, March, Messick, Miers, Mitchell, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shields, Shutt, Skinner, Sleeth, Stevens, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, Tulley, Vawter, Watson, Willard, Wimmer and Works—72.

Those who voted in the negative were: Messrs. Barker, Drake,

Galbraith, Hosmer, Kirkpatrick, Scholl, Stucker, Vanpelt and Mr. Speaker—9.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled Senate act No. 426 and House act No. 689.

Messrs. Works, Sleeth and Huthsteiner were excused during the day, and Mr. Compton until Monday.

On motion of Mr. Lehman the House adjourned.

## AFTERNOON SESSION.

MARCH 21, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The following message was received from the Senate by the Secretary thereof: .

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bill No. 689, and the same is herewith returned to the House.

Mr. Dalton, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your committee on enrolled bills have presented the following enrolled acts to the Governor for his signature thereto, viz:

Enrolled House acts Nos. 689, 466 and 663.

Mr. Caldwell moved that engrossed Senate bill No. 197 be taken from the table and placed upon the calendar.

Engrossed Senate Bill No. 122 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Barker, Blockley, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Connaway, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, Fancher, Fleming, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Humphreys, Kelly, Kester, Kirkpatrick, Major, March, Messick, Miers, Mitchell, Osborn of Vermillion, Overmyer, Perry, Reed, Reichelderfer, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Allen, Briggs, Brown of Jasper, Cunningham, English, Hart, Hosmer, Lindley, Nave, Robeson, Shutt, Taylor of Warrick and Wimmer—13.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 464 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Blockley, Briggs, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Edwins, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Reed, Reichelderfer, Robeson, Rodman, Saint, Scholl, Schweitzer, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick,



Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter and Mr. Speaker—74.

Those who voted in the negative were: Messrs. English, Wimmer and Willard—3.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has appointed Senators Menzies and Foster, on the part of the Senate, as members of the conference-committee to confer upon the Senate amendment to the House amendment to engrossed Senate bill No. 103.

Engrossed House Bill No. 658 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Brown of Steuben, Bryant, Caldwell, Carey, Confer, Connaway, Connor, Dalton, Davis, Donnell, English, Fancher, Flodder, Garrouette, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Major, March, Messick, Overmyer, Owen, Perry, Reed, Robinson, Rodman, Saint, Schweitzer, Shanks, Shields, Skinner, Snoddy, Stevens, Taylor of Lagrange, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson and Mr. Speaker—48.

Those who voted in the negative were: Messrs. Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Campbell, Carter, Copeland, Cunningham, Dailey, Davidson, Drake, Drover, Edwins, Faulkner, Galbraith, Ginz, Handy, Hart, Hosmer, Humphreys, Johnston, Kester, Lehman, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Reichelderfer, Robeson, Scholl, Shauck, Shutt, Stucker, Taylor of Warrick, VanValzah and Wimmer—38.

The bill failed to pass for want of a constitutional majority.

Engrossed House Bill No. 107 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Barker, Blockley, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Edwins, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hopkins, Humphreys, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Warrick, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—71.

Those who voted in the negative were: Messrs. Brown of Steuben, Bryant, Drake, English, Faulkner, Johnston, Kirkpatrick, Rooker, Shanks and Taylor of Lagrange—10.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled House act No. 592.

Engrossed House Bill No. 312 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Barker, Briggs, Caldwell, Carey, Carter, Cunningham, Drake, Edwins, Faulkner, Fleming, Flodder, Handy, Humphreys, Kester, Lehman, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Reed, Reichelderfer, Saint, Schweitzer, Shanks, Taylor of Daviess, Thompson, Vanpelt, VanValzah, Vawter and Willard—32.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Confer, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drover, Fancher, Galbraith, Ginz, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Overmyer, Owen, Perry, Robinson, Rodman, Scholl, Shauck, Shields, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thornburg, Watson, Wimmer and Mr. Speaker—49.

The bill failed to pass for want of a constitutional majority.

Engrossed House Bill No. 647 was read the third time and put upon its passage.

The question being shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Brown of Jasper, Campbell, Carter, Confer, Dailey, Davidson, Davis, Donnell, Drover, Edwins, Fancher, Galbraith, Ginz, Hart, Herod, Humphreys, Kester, Major, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Reed, Scholl, Shauck, Stucker, Taylor of Daviess, Taylor of Warrick, Tully, Vanpelt, Vawter and Wimmer—34.

Those who voted in the negative were: Messrs. Allen, Barker, Blockley, Briggs, Brown of Steuben, Bryant, Caldwell, Carey, Connaway, Connor, Copeland, Cunningham, Drake, English, Faulkner, Fleming, Flodder, Garrouette, Golden, Harland, Hess, Hopkins, Hosmer, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, March, Messick, Miers, Nave, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thompson, Thornburg, VanValzah, Watson and Willard—54.

The bill failed to pass.

Mr. Humphreys was called to the chair.

Engrossed House Bill No. 331 was read the third time.

Mr. Overmyer moved that the bill be recommitted to a special committee of three, with instructions to amend as follows:

First. In line 7, on page 2, strike out the word "ten" and insert the word "fifteen."



Second. In line 8, on page 2, strike out the word "ten" and insert the words "not to exceed twenty-five."

Third. Add to section 1 the following:

*Provided*, That in all cases where debts have heretofore been contracted which are legally chargeable to the special school fund, or where school houses are being erected, such trustee, with the concurrence of such board of commissioners as aforesaid, may levy a special school tax of not to exceed thirty-five cents on the one hundred dollars of taxable property, and not to exceed fifty cents on each poll, for the purpose of paying such indebtedness or to erect such school house or school houses, but a complete exhibit of the amount of such indebtedness for the payment of which such tax is to be levied, and the proposed cost of the school house or school houses for the erection of which such tax is to be levied, shall be made by such trustee to such board of commissioners before such board shall agree that such tax may be levied.

Which was agreed to.

The Speaker appointed the following committee on said bill: Messrs. Overmyer, Nave and Connor.

Mr. Overmyer, from the select committee to whom House bill No. 331 was referred, submitted the following report:

MR. SPEAKER:

Your select committee to whom was referred House bill No. 331, with instructions, have considered the same as instructed, and herewith return the same to the House with the following amendments:

Amend, First. In line 7 on page 2, strike out the word *ten* and insert the word *fifteen*. Second. In line 8 on page 2, strike out the word *ten* and insert the words *not to exceed twenty-five*. Third. Add to section 1 the following: *Provided*, That in all cases where debts have heretofore been contracted which are legally chargeable to the special school funds, or where school houses are being erected, such trustee with the consent of such board of commissioners as aforesaid may levy a special school tax of not to exceed twenty-five cents on the one hundred dollars of taxable property, and not to exceed fifty cents on each poll for the purpose of paying such indebtedness, or to erect such school house or school houses. But a complete exhibit of the amount of such indebtedness for the payment of which such tax is to be levied. And the proposed cost of the school house or school houses for the erection of which such tax

is to be levied shall be made by such trustee to such board of commissioners before such board shall agree that such tax may be levied.

The report was concurred in, and amendments considered engrossed.

The question being upon the passage of House bill No. 331.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Blockley, Briggs; Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Galbraith, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Skinner, Sleeth, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vanpelt, VanValzah, Vawter, Watson and Wimmer—63.

Those who voted in the negative were: Messrs. Allen, Baker, Caldwell, Flodder, Garrouette, Handy, Miers, Saint, Shauck and Tulley—10.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

Mr. Overmyer offered the following amendment to the title:

An act to limit taxation by township trustees, defining certain duties of said officials, and prescribing punishment for the violation of this act.

The question being, shall the title of the bill as amended stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Dalton, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

Your committee on enrolled bills have presented the following

enrolled House acts to the Governor for his signature thereto, viz: Nos. 401 and 592.

The Speaker reported that he had signed enrolled House act No. 672.

Engrossed House Bill No. 658 having failed to pass for the want of a constitutional majority, was called up, and put upon its passage:

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Briggs, Brown of Steuben, Bryant, Campbell, Carey, Carter, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Edwins, English, Fleming, Flodder, Garrouthe, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Nave, Osborn of Vermillion, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Scholl, Schweitzer, Shanks, Skinner, Sleeth, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, VanValzah, Watson and Wimmer—56.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Blockley, Brown of Jasper, Caldwell, Drover, Fancher, Faulkner, Galbraith, Hart, Hosmer, Humphreys, Johnston, Kester, Mitchell, Osborn of Elkhart, Rooker, Shields, Shutt, Stucker and Mr. Speaker—22.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 418 was read the third time.

Mr. Fancher moved that the bill be recommitted to a select committee of three, with instructions.

Which was agreed to.

The Speaker appointed the following committee: Messrs. Fancher, Tulley and Allen.

The following message was received from the Senate by the Secretary thereof:



MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed engrossed House bill 592, the general appropriation bill.

Also House bill No. 401, an act concerning the annexation of certain lots to the city of New Albany, and the same are hereby returned to the House.

Mr. Reichelderfer, from the committee on military affairs, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 688 direct me to report the same back to the House, with the recommendation that it do pass.

Which report was not concurred in.

The Speaker resumed the chair.

Mr. Reichelderfer moved to reconsider the vote on House bill No. 568.

Mr. Shanks filed his motion to reconsider the vote of the House in refusing to concur in the report of the committee on military affairs on House bill No. 688.

Engrossed Senate Bill No. 21 was read the third time.

Mr. English moved that the bill be indefinitely postponed.

Mr. Barker demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

On the motion of Mr. English Messrs. Overmyer and Owen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Hubbard, Humphreys, Johnston, Kester, Kirkpatrick, Lehman, March, Miers, Mitchell, Osborn of Vermillion, Perry, Reed, Reichelderfer, Robinson, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah and Mr. Speaker—54.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Steuben, Campbell, Carey, Carter, Davis, Donnell, Fancher, Golden, Harland, Hess, Hopkins, Kelly, Lindley, Major, Messick, Osborn of Elkhart, Overmyer, Owen, Robeson, Rodman, Shanks, Skinner, Stevens, Taylor of Daviess, Thayer, Thornburg, Vawter, Watson and Willard—30.

The motion to indefinitely postpone engrossed Senate bill No. 21 prevailed.

On motion of Mr. Handy the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## SATURDAY MORNING.

MARCH 22, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Faulkner, the further reading was dispensed with.

House Bill No. 696. Introduced by Mr. Faulkner, entitled "A bill for an act providing what counties shall constitute the fifty-sixth and fifty-seventh judicial circuits, fixing the time of holding the courts and providing for the transacting of business therein."

Read the first time.

Mr. March asked for a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston,

Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vaupelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—90.

On motion of Mr. March further proceedings under the call was dispensed with.

Mr. March, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on House bill No. 641, referred to the committee on the judiciary, direct me to report the same back, recommending that it do lie on the table.

Report concurred in.

Mr. Owen, from the special committee on House bill No. 601, submitted the following minority report:

MR. SPEAKER:

The minority of the special committee, to whom was referred House bill No. 601, being unable to agree with the majority, have agreed to report the bill back, with the following amendments, and when so amended recommend its passage:

Amend by striking out all after the enacting clause and inserting the following:

Section 1. That it shall be unlawful for any person to keep any saloon or other building or place of any kind for the sale of spirituous, vinous or malt liquors, to be drank or used as a beverage, or in such saloon or building, and any building or place of any kind kept for such purpose, or in which liquors of any kind are so sold, to be drank in such saloon or building, are hereby declared to be a nuisance, and shall be abated as such. It shall be unlawful for any person to keep any saloon or other building or place of any kind for the sale of spirituous, vinous or malt liquors to be drank or used as a beverage in or about any such saloon, building or place of any kind, and any person who shall sell, barter or give away any spirituous, vinous or malt liquors, to be drank or used as a beverage in such saloon or other building or place, shall be deemed guilty of a



misdemeanor, and, on conviction thereof, shall be fined in any sum not less than twenty nor more than two hundred dollars, to which may be added imprisonment in the county jail for any determinate period not less than thirty days.

Sec. 3. So much of an act entitled an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to limit the license to be charged by cities and towns; providing penalties for intoxication, and providing for the recovery of damages for injuries growing out of unlawful sales of intoxicating liquors, to repeal all former laws regulating the sales of intoxicating liquors and all laws and parts of laws coming in conflict with the provisions of this act, prescribing penalties for violation thereof and declaring an emergency, approved March 17, 1875, as authorizes or requires the issuing of a license to sell vinous, spirituous or malt liquors, is hereby repealed, but this act shall not be so construed as to repeal any of that part of said act which forbids the sale of such liquors and provides a penalty therefor, nor that part of said act which provides for the recovery of damages against any person who shall sell intoxicating liquors. Amend the title to read as follows:

An act concerning saloons and other buildings or places kept for the sale of vinous, spirituous or malt liquors to be used as a beverage, and repealing certain parts of laws therein.

Mr. Lehman, from the committee to whom was referred House bill No. 601, submitted the following majority report:

MR. SPEAKER:

The undersigned, a majority of your select committee on House bill No. 601, entitled "An act to prohibit the keeping of saloons or other houses," etc., have had the same under consideration, and desire to set forth the following as part of the reasons, which induces them to recommend that the bill do lie on the table.

House bill No. 601 is a bill for an act which makes a radical change in the present system of regulating the sale of intoxicating liquors, and of such a nature as we believe to be unwise and far from being demanded, either by public sentiment or the exigencies of the times. The majority of your committee believe that the present license law has so far proven satisfactory and might, with a few wholesome amendments, be made as perfect as human laws can be and are generally made. It is a law which fully accords with the principles of freedom and right. It brings into the school fund nearly if not quite \$200,000, a sum which can not easily, and should not lightly, be thrown away.

We, your majority, further believe that were all saloons abolished, as this bill proposes to do, liquors would yet be sold and drank, traveling saloons, drug stores, and United States licensed dealers would be greatly increased, no revenue would be derived from their sale, and instead of having the traffic under a strict police surveillance and regulation the sale would be made nearly, if not entirely free, no protection would be given to the wives and children, mothers and daughters of the men who use intoxicating liquors to excess; in fact, it is our candid opinion that the evils now complained of would be greatly increased and manifolded, and, in our opinion, it would not mitigate the evils arising from the sale and use of intoxicating liquors.

Many other sufficient reasons might be given, but the majority of your committee do not deem it best to set them forth at this time and in this report, but firmly believing that no benefit can be gained by the passage of this bill, beg leave to repeat their recommendation that the bill do lie on the table.

Mr. Caldwell demanded the previous question.

Which was seconded.

The question being upon the adoption of the minority report.

Messrs. Watson and Lehman demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Golden, Handy, Harland, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Mitchell, Osborn of Vermillion, Overmyer, Owen, Robinson, Rodman, Rooker, Saint, Shanks, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Vawter, Watson and Works—44.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Bryant, Caldwell, Confer, Cunningham, Dailey, Dalton, Drake, Dröver, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Harland, Hart, Herod, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Messick, Miers, Nave, Osborn of Elkhart, Perry, Reichelderfer, Robeson, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, VanValzah, Willard and Mr. Speaker—48.

The minority report was not concurred in.

The question being upon concurring in the majority report.

The same was concurred in.

Mr. Faulkner, from the committee on temperance, made the following majority report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 682, have had the same under consideration, and direct me to report the same back to the House with the recommendation that it do lie upon the table.

Mr. Lindley, from the committee on temperance, submitted the following minority report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 682, recommend the passage of the bill.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 168.

Also, that the Senate has amended and passed engrossed House bill No. 671.

Said bills with engrossed Senate amendments are herewith returned to the House.

Engrossed Senate amendments to House bill No. 671 were read.

Mr. Lehman moved that the House do concur in said amendments.

Which was agreed to.

Mr. Lehman moved that House bill No. 682, with the majority and minority reports on the same, do lie on the table.

On which motion Messrs. March and Watson demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Bryant, Caldwell, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Hart, Herod, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Messick, Nave,



Reed, Reichelderfer, Schweitzer, Shauck, Shields, Shutt, Sleeth, Stucker, Taylor of Daviess, Vanpelt, VanValzah, Wimmer and Mr. Speaker—46.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Golden, Gordon, Handy, Harland, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Robeson, Robinson, Rodman, Saint, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of War-  
rick, Thayer, Thornburg, Vawter, Watson and Works—49.

The motion was not agreed to.

The question being upon concurring in the minority report.

Messrs. Owen and Connaway demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Golden, Gordon, Handy, Harland, Hess, Hopkins, Hubbard, Johnston, Kelly, Kirkpatrick, Lindley, Major, March, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Saint, Shanks, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of War-  
rick, Thayer, Thornburg, Vawter, Watson and Works—48.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Blockley, Brown of Jasper, Bryant, Caldwell, Confer, Cunningham, Dailey, Dalton, Davidson, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Hart, Herod, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Mes-  
sick, Miers, Nave, Perry, Reichelderfer, Rooker, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Thompson, Vanpelt, VanValzah, Willard, Wimmer and Mr. Speaker—47.

The minority report was concurred in.

Mr. March moved that the bill be ordered engrossed.

Which was agreed to.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has amended and passed House engrossed bill No. 640, the specific appropriation bill, and the same, with the Senate engrossed amendments thereto, is herewith returned to the House.

Also, that the Senate has passed House engrossed bill No. 114, "An act concerning building and loan associations."

Also, that the Senate has passed engrossed House bill No. 623, entitled "An act concerning the sale of certain real estate in Randolph county."

And the same are herewith returned to the House.

Mr. Fleming, from the conference committee on engrossed Senate bill No. 103, submitted the following report:

MR. SPEAKER:

Your conference committee, to whom was referred Senate bill No. 103, have had the same under consideration and report the same back, with the following recommendation, viz:

That the Senate do recede from its engrossed amendments and the following amendment be added to section 21 in lieu thereof: "*Provided*, If any person owning a water power, a mill property within the limits herein prescribed, in the use or management of which any stream is polluted to such an extent that the water thereof is thereby rendered unfit for use of such city purposes, such property or water power may be condemned for the benefit of such city, but before the same is done such mill property shall be appraised by three disinterested resident freeholders of the county in which such property is situate, one of whom shall be selected by such trustees, one by the owner of such property, which two shall select the third. Said appraisers shall appraise such property at its fair cash value, and upon the tender of the same by the city and refusal by the mill owner to accept the value appraised as aforesaid, such business may be enjoined in any court of competent jurisdiction."

Report concurred in.

The Speaker reported that he had signed enrolled Senate act No. 122, and House acts Nos. 656, 168 and 114.

Engrossed Senate amendments to engrossed House bill No. 640 were read.

Mr. Osborn moved to concur in the first amendment to House bill No. 640.

Which was not agreed to.

The House concurred in the second and third amendments.

The House refused to concur in amendment No. 4.

The House concurred in amendment No. 5.

The House refused to concur in amendment No. 6.

The House concurred in amendments Nos. 7, 8 and 9.

Amendment No. 10 was read and Mr. Overmyer submitted the following amendment:

Amend item seventeen by adding the following: To Alfred Moudy the sum of one hundred and sixteen dollars in full on account of the failure of title to certain lands in Jasper county, conveyed by the State of Indiana to Daniel Curry, which lands were afterwards conveyed to said Moudy.

Which was concurred in.

The House concurred in amendments Nos. 11 and 12.

The House refused to concur in amendment No. 13.

Amendment No. 14 was read.

Mr. Humphreys submitted the following amendment to item No. 21:

*Provided*, That said amount or any part thereof shall not be paid until said indebtedness shall become due.

Mr. Overmyer submitted the following amendment to the amendment of Mr. Humphreys:

Amend item No. 21 by adding thereto the following:

And no part of said sum of \$62,000 shall be paid out unless said sum will free said lands of all incumbrance, so that the State may secure a title that shall be absolutely free from all liens and claims whatever.

Mr. English demanded the previous question.

Which was not seconded.

The consideration of the fourteenth amendment pending.

On motion of Mr. Faulkner, the House adjourned.



## AFTERNOON SESSION.

MARCH 22, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The consideration of Senate amendments to House bill No. 640 pending at adjournment, the same was resumed.

The Speaker informed the House that he had signed enrolled House acts Nos. 623 and 671.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills have this day presented to the Governor enrolled acts Nos. 114, 156, 168, 623, 556, 671 and 672, House of Representatives.

Mr. Dalton, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your committee on enrolled bills to whom was referred enrolled House acts Nos. 168, 656, 114 and 623, report they find them correctly enrolled.

Mr. Willard offered the following amendment to Mr. Humphrey's amendment, to-wit: "Or until the bonds shall have been surrendered to the State."

Which amendment was accepted by Mr. Humphreys, and the amendment as amended was adopted.

Mr. Sleeth offered the following amendment:

*Provided further*, That the State Board of Agriculture shall have the privilege to use such grounds for the purpose of its annual exhibitions, free of rent, until otherwise ordered by the General Assembly only, however, upon the condition that it shall keep and maintain the same, with all the improvements thereon, in as good condition and repair as the same is now in, to be examined and determined by the Governor, the Auditor of State, and the Secretary of State, who shall report the facts to each regular session of the General Assembly.

Which amendment was adopted.

The question being, will the House concur in the Senate amendments as amended by the House.

Mr. Dalton demanded the previous question.

Which was not seconded.

Mr. Dailey offered the following amendment, to-wit:

Strike out the Senate amendment No. 14, as amended by the House, and insert the following: "*Provided*, That there is hereby appropriated the sum of \$9,000, to be placed in the hands of the Governor, Auditor and Treasurer of State, with which to pay the interest on the said indebtedness and to protect whatever interest the State may have in said fair grounds if it should become necessary. And provided further, that nothing herein contained shall be so construed as to obligate the State for the payment of any portion of the principal of said indebtedness."

Mr. Miers demanded the previous question.

Which was seconded.

The question being upon the amendment of Mr. Dailey.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Blockley, Briggs, Campbell, Carter, Confer, Copeland, Dailey, Donnell, Drake, Drover, Faulkner, Fleming, Flodder, Galbraith, Ginz, Golden, Harland, Hart, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, March, Mitchell, Nave, Osborn of Elkhart, Reichelderfer, Robinson, Rodman, Shields, Stevens, Taylor of Lagrange, Taylor of Warrick, Watson, Wimmer, Works and Mr. Speaker—43.

Those who voted in the negative were: Messrs. Alden, Barker, Bearss, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Carey, Connaway, Connor, Cunningham, Davidson, Davis, Edwins, Fancher, Garrouette, Handy, Herod, Hess, Johnston, Kirkpatrick, Lehman, Lindley, Major, Messick, Miers, Overmyer, Owen, Perry, Reed, Rooker, Saint, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stucker, Taylor of Daviess, Thayer, Thompson, Vanpelt, Vawter and Willard—45.

The amendment was not adopted.

The question recurring on concurring in Senate amendment No. 14 to House bill No. 640 as amended by the House.

Messrs. Reed and Osborn demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Bearss, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Connaway, Connor, Dalton, Davidson, Donnell, Drover, Edwins, Fancher, Garrouette, Gordon, Handy, Herod, Hess, Hopkins, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Overmyer, Owen, Perry, Reed, Rodman, Rooker, Saint, Shanks, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Vanpelt, Vawter and Willard—49.

Those who voted in the negative were: Messrs. Alden, Allen, Blockley, Briggs, Confer, Copeland, Cunningham, Dailey, Davis, Drake, Faulkner, Fleming, Flodder, Galbraith, Ginz, Golden, Harland, Hart, Hosmer, Hubbard, Humphreys, Huthsteiner, Kester, Messick, Mitchell, Nave, Osborn of Elkhart, Reichelderfer, Robinson, Shauck, Shields, Shutt, Skinner, Stevens, Stucker, Watson, Wimmer, Works and Mr. Speaker—39.

The amendment was concurred in.

Amendment No. 15 was read.

On concurring in the same Messrs. Faulkner and Allen demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Barker, Brown of Steuben, Campbell, Connaway, Connor, Copeland, Donnell, Golden, Gordon, Harland, Herod, Hess, Hubbard, Kelly, Kirkpatrick, Messick, Miers, Overmyer, Owen, Reed, Robinson, Rodman, Saint, Snoddy, Thayer, Thornburg, Vawter, Watson and Willard—31.

Those who voted in the negative were: Messrs. Alden, Allen, Blockley, Briggs, Brown of Jasper, Carey, Confer, Cunningham, Dailey, Dalton, Davis, Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Lehman, Major, March, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Rooker, Shauck, Shields, Shutt, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, Vanpelt, Wimmer, Works and Mr. Speaker—46.

The amendment was not concurred in.



Amendment No. 16 was not concurred in.

Amendment No. 17 was not concurred in.

Amendment No. 18 was concurred in.

Amendment No. 19 was concurred in.

Amendment No. 20 was not concurred in.

Amendment No. 20½ was concurred in.

Amendment No. 21 was read.

On concurring in the twenty-first amendment Messrs. Overmyer and Mitchell demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Brown of Steuben, Campbell, Carey, Carter, Connaway, Connor, Copeland, Dalton, Donnell, Drake, Edwins, English, Golden, Gordon, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lehman, Major, March, Messick, Overmyer, Owen, Perry, Reed, Robinson, Rodman, Saint, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vawter, Watson and Willard—44.

Those who voted in the negative were: Messrs. Barker, Blockley, Briggs, Brown of Jasper, Confer, Dailey, Davidson, Fancher, Faulkner, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Miers, Mitchell, Nave, Osborn of Elkhart, Rooker, Shanks, Shauck, Shutt, Skinner, Stucker, Taylor of Warrick, Vanpelt, Wimmer, Works and Mr. Speaker—35.

The amendment was concurred in.

Mr. Lehman moved that when the House adjourn it be until 8 o'clock P. M.

Which was not agreed to.

Mr. March, from the conference committee on Senate bill No. 158, submitted the following report:

MR. SPEAKER:

Your committee on conference to whom was referred Senate bill No. 158 have had the same under consideration and we beg leave to report that we have agreed upon the following amendment in lieu of the House amendment. Add a new section, viz:

Section 10. A married woman shall not mortgage or in any manner encumber her separate property acquired by descent, devise or

gift as a security for the debts or liability of her husband or any other person, and when so amended we recommend that the bill do pass.

Which report was concurred in.

Mr. Shauck entered his motion to reconsider the vote on engrossed Senate bill No. 21.

On motion of Mr. Barker the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## MONDAY MORNING.

MARCH 24, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of Saturday was read in part, when, on motion of Mr. Dailey, the further reading was dispensed with.

Mr. Bryant entered his motion to reconsider the action of the House in adopting the fourteenth amendment, item 21.

The following message was received from the Governor:

*Gentlemen of the House of Representatives:*

I respectfully transmit, as requested, a copy of a joint and concurrent resolution of the Legislature of the state of Missouri, memorializing Congress and asking for appropriations for the improvement of the rivers of the western states.

JAMES D. WILLIAMS.

Governor's Office, March 21, 1879.

Joint and concurrent resolution memorializing the Congress of the United States, asking for an appropriation or appropriations for the improvement of rivers of the western states:

WHEREAS, The commercial and material interests of the States of Ohio, Indiana, Illinois, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Missouri, Arkansas, Mississippi, Kentucky, Tennessee and Louisiana, imperiously demand that nature's great highway to the

sea be improved and freed from obstructions, in order that the produce of the farmer and the products of the manufacturer may find their way to the markets of the world, without being burdened with the onerous and oppressive rates of freight, thereby consuming the profits of many western and southern enterprises and industries in the mere efforts to reach the market; and

WHEREAS, The Congress of the United States has heretofore expended untold millions in improving the coasts and harbors of the Atlantic seaboard, while doling with hesitant and niggard hand paltry pittances for the improvement of our great western rivers, our national outlets to the sea; and

WHEREAS, We are loth to believe that the unwillingness heretofore manifested by the eastern and northern representatives in Congress assembled to grant adequate appropriations for the needful improvement of our western rivers, proceeds from other sources than ignorance and misapprehension of the importance and absolute necessity of such appropriations; and

WHEREAS, It belongs as a matter of right to the general government to adopt a system for the improvement of our natural highways, and not leave such improvements to conflicting and very often hostile state action; therefore, be it

*Resolved by the Senate of the State of Missouri (the House of Representatives concurring therein),* That we memorialize the Congress of the United States, praying that such laws be passed, such liberal appropriations be made that such a system be devised and adopted as will secure the lasting and permanent improvement of our rivers, and more especially the Mississippi river, in such a way and on such a natural and harmonious plan as will provide levees for the banks of that river, and secure the deepening of and the removal of all obstructions from the channel thereof in the best manner known; and be it further

*Resolved,* That, in order to promote the before-mentioned objects, a copy of this memorial be forwarded to our Representatives in Congress, and that they be requested to specially urge upon that body the importance of the work here prayed for, and to furnish to that body such maps of our western country, such statistics of its population, its products, its wealth, its commerce, the high rates of freight for railway transportation, and such other facts and figures as will convince the most incredulous of the importance of the needed improvements; and be it further

*Resolved,* That a copy of this memorial be forwarded to the legis-



atures of the states above mentioned, and that they be respectfully requested to join with the the state of Missouri, and make common cause with her in urging upon the attention of Congress the importance of the material aid herein solicited. Approved March 18, 1879.

(Attest:)

MICHAEL K. McGRATH,  
Secretary of State of Missouri.

Which resolution of the State of Missouri was referred to the committee on federal relations.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 444, and the same is herewith returned to the House.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the conference committee on engrossed Senate bill No. 158, the married woman's bill.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House Bill No. 672, an act concerning the official acts of the trustees of the town of Merom, Sullivan county, Indiana, and the same is herewith returned to the House of Representatives.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 43 concerning the adjournment of the Legislature, and the same is hereby submitted to the House for its action thereon.

Also, the Senate has passed engrossed House bill No. 656, an

act prescribing certain duties of the Auditor of State, and the same is herewith returned to the House.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bills Nos. 114, 168, 623, 656 and 671, and the same are herewith returned to the House of Representatives.

The Speaker reported that he had signed enrolled House act No. 444.

Mr. March, from the special committee, submitted the following report:

MR. SPEAKER:

The special committee, to whom was referred Senate bill No. 271, have had the same under consideration and recommend the following amendments: Strike out all between the word "peace" in line 4, and the word "shall" in line 6, section 1. Insert after the word "determine," in line 8, section 1, the following words, "and fix punishment in." Insert after the word "and," in line 9, after section 1, the following words: "Also to try and determine and assess the punishment in all cases of."

Insert after the word "imprisonment," in line 11, section 1, the following words, "or fines or imprisonment." Strike out all after the word "workhouse," in line 12, section 1, and insert the following words: "Such mayor, justice of the peace or the jury, if they find the person guilty, shall assess his punishment with and in such cases of felonies aforesaid, if in the opinion of the mayor, justice of the peace or jury the punishment they are authorized to assess is not adequate to the offense they may so find, and in such case the mayor or justice shall hold such prisoner to bail for his appearance before the proper court, or commit him to jail in default of such bail."

Which report was concurred in and the amendments ordered engrossed.

Mr. Johnston was called to the chair.

Mr. Cauthorn submitted, by unanimous consent, the following amendments to engrossed House bill No. 527, to-wit:

That all of section 1 after the enacting clause be stricken out and in lieu thereof the following be inserted: That the sureties on said bond may procure and file in the auditor's office of said county the

release of said W. H. Elliott, D. P. Hollingsworth, E. P. Bicknell and B. Humerich, releasing Widner township and Widner school township, in Knox county, Indiana, from all liability to them and to any of them on account of any payment made by them on account of their suretyship on said note. And may then apply to said court, after five days' notice to the trustee of said township, to have said judgment entered satisfied. And the court, on being satisfied that such release had been filed and that the township as well as the school township has been fully paid all money due on account of the default of said Chambers, with interest, costs and expenses, including attorneys' fees paid by the township or for which it may be liable, shall order the judgment to be fully satisfied, and such order shall operate as a satisfaction of the judgment.

Which were adopted and ordered engrossed.

The Speaker resumed the chair.

Engrossed Senate Bill No. 18 was read the third time.

Mr. Taylor, from the committee on corporations, submitted the following report:

**MR. SPEAKER:**

The committee on corporations, to whom was referred engrossed Senate bill No. 62, have had the same under consideration and now report the same back to the House, with the recommendation that the same be indefinitely postponed.

Report concurred in.

Mr. Edwins, from the committee on rights and privileges submitted the following report:

**MR. SPEAKER:**

Your committee on rights and privileges, to whom was referred House bill No. 692, relating to the appointment of an oil inspector of illuminating oils, have had the same under consideration, and have directed me to report the same back to the House with the recommendation that the bill do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Briggs, from the committee on the organization of courts, submitted the following report:

**MR. SPEAKER:**

The committee on the organization of courts, to whom was referred House bill No. 690, have had the same under consideration and in-



struct me to report the same back to the House, with the recommendation that the bill do lie on the table.

Which report was concurred in.

Mr. Fancher, from the committee to whom was referred House bill No. 418, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 418, recommend that the same be amended by striking out all of lines 70, 71, 72, 73, 74, 75, 76 and up to and including the word "enumeration" in line 77, and after the same is so amended that it do pass.

Report concurred in and the amendment ordered engrossed.

Mr. Daily offered the following amendment to engrossed House bill No. 18:

Amend section 2 by adding the following: "Providing that nothing in this act contained shall be so construed as to in anywise affect the rights of any purchaser in good faith, for a valuable consideration, without actual notice, or the rights of any owner of any portion of the class of lands described in this act."

Which amendment was adopted by consent and considered engrossed, and the bill put upon its passage.

The question being, shall engrossed Senate bill No. 18 as amended by the House pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Barker, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Edwins, Fancher, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Johnston, Kelly, Kester, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Saint, Scholl, Schweitzer, Shauck, Shutt, Skinner, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, VanValzah, Watson, Willard, Wimmer and Mr. Speaker—55.

Those who voted in the negative were: Messrs. Bearss, Campbell, Carter, Confer, Copeland, Drake, English, Faulkner, Fleming, Galbraith, Kirkpatrick, Messick, Osborn of Vermillion, Reichelderfer, Robinson, Rodman, Rooker and Vanpelt—19.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The consideration of the specific appropriation bill was resumed.

The twenty-second amendment was not concurred in.

The twenty-third amendment was not concurred in.

The twenty-fourth amendment was not concurred in.

The twenty-fifth amendment was not concurred in.

The twenty-sixth amendment was not concurred in.

The twenty-seventh amendment was not concurred in.

Mr. Herod moved to reconsider the vote on the claim of Jesse James.

Mr. Willard offered the following amendment:

Amend by adding: "To Reuben P. Main, for indebtedness made by State Prison South, the sum of \$1,974.12."

Which was not adopted.

Mr. Willard offered the following amendment:

Amend by adding: "To J. R. Shadburn, for services in serving subpoenas in Jeffersonville under direction of the chairman of committee on affairs of prisons, ten dollars."

Which was adopted.

Mr. Taylor of Daviess offered the following amendment:

Amend by inserting the sum of \$114 to be allowed Thomas Walker, of Martin county, Indiana, for amount due him on three several certificates for twenty dollars each and interest thereon from June 19, 1849, of the three per cent. fund belonging to Martin county, or so much of said fund in the state treasury not exceeding the sum of \$114, for the building of a bridge across the bayou on the New Albany and Vincennes road, in said county, according to the act of the General Assembly approved February 12, 1848.

Which was not adopted.

Mr. Herod offered the following amendment:

Item 36. There is hereby appropriated and ordered to be paid to R. C. Arnold the sum of fifty-four dollars for his services rendered in serving processes for the Morgan raid commission while holding its session in Lawrence county.

Which was adopted.

The question being upon the resolution as amended.

Messrs. Overmyer and Golden demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Carter, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Faulkner, Fleming, Galbraith, Ginz, Handy, Hart, Humphreys, Johnston, Kester, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reed, Reichelderfer, Scholl, Schweitzer, Shauck, Shutt, Stevens, Stucker, Taylor of Daviess, Thompson, Vanpelt, Wimmer and Mr. Speaker—47.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Steuben, Bryant, Campbell, Caldwell, Carey, Connaway, Copeland, English, Fancher, Garrouette, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Messick, Osborn of Vermillion, Owen, Robeson, Rodman, Rooker, Shields, Skinner, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thayer, VanValzah, Vawter and Willard—37.

The resolution as amended was adopted.

Mr. Bryant called up his motion to reconsider the vote by which the fourteenth amendment was adopted.

Mr. Hess moved that the motion do lie on the table.

On which motion Messrs. Reed and Edwins demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Barker, Bearss, Caldwell, Campbell, Carey, Connaway, Connor, Davidson, Davis, Drover, Ginz, Golden, Gordon, Handy, Herod, Hess, Hopkins, Johnston, Kelly, Kirkpatrick, Lindley, Major, Miers, Overmyer, Perry, Reed, Rooker, Saint, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, VanValzah, Vawter and Willard—37.

Those who voted in the negative were: Messrs. Arnold of Wabash, Blockley, Briggs, Brown of Jasper, Bryant, Confer, Copeland, Cunningham, Dailey, Donnell, Drake, Edwins, English, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Harland, Hart, Humphreys, Kester, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Reichelderfer, Robeson, Robinson,



Rodman, Scholl, Schweitzer, Shauck, Shutt, Skinner, Stevens, Stucker, Thompson, Vanpelt, Watson, Wimmer and Mr. Speaker—45.

The motion was not laid on the table.

The question recurring upon the motion to reconsider.

Messrs. Willard and March demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Baker, Blockley, Briggs, Bryant, Caldwell, Confer, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Harland, Hart, Hosmer, Humphreys, Kester, Lehman, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shutt, Skinner, Stevens, Stucker, Taylor of Warrick, Thompson, Vanpelt, Watson, Wimmer and Mr. Speaker—50.

Those who voted in the negative were: Messrs. Barker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Carey, Connaway, Connor, Davidson, Ginz, Golden, Gordon, Handy, Herod, Hess, Hopkins, Johnston, Kelly, Kirkpatrick, Lindley, Major, Overmyer, Perry, Reed, Robeson, Rooker, Saint, Snoddy, Taylor of Daviess, Taylor of Lagrange, Thayer, Thornburg, VanValzah, Vawter and Willard—35.

The motion to reconsider was agreed to.

Messrs. Sleeth and Works were paired, Sleeth voting against the reconsideration and Mr. Works for the reconsideration.

Mr. Osborn, of Elkhart, offered the following amendment:

Strike out the item and insert the following: There is hereby appropriated to and for the use and benefit of the State Board of Agriculture ten thousand dollars, one moiety thereof to be paid on the 1st of June, 1879, and the other moiety on the 1st of June, 1880, and the Auditor of State is hereby instructed to draw his warrant for said amounts, at said dates, to be paid out of any money in the treasury not otherwise appropriated.

*Provided*, That the money shall not be paid unless the interest that may fall due upon the mortgage, held upon the grounds of the board of agriculture be paid, and nothing herein contained shall be so construed as to obligate the State to pay any portion of the said indebtedness.

Mr. Herod moved that the further consideration of the subject be postponed until 2½ o'clock P. M. to-day.

Which was not agreed to.

Mr. Lehman demanded the previous question.

Which was seconded.

The question being shall the main question be now put?

It was so ordered.

The question being upon the amendment of Mr. Osborn.

On which Messrs. Reed and Copeland demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Baker, Barker, Blockley, Briggs, Bryant, Confer, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Harland, Hart, Hopkins, Hosmer, Humphreys, Kester, Lehman, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Reichelderfer, Robeson, Robinson, Rodman, Schweitzer, Shauck, Shutt, Skinner, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Vanpelt, Watson, Wimmer and Mr. Speaker—51.

Those who voted in the negative were: Messrs. Barker, Bearss, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Connaway, Connor, Handy, Herod, Hess, Johnston, Kelly, Kirkpatrick, Lindley, Major, Overmyer, Perry, Reed, Rooker, Saint, Scholl, Snoddy, Thayer, Thornburg, VanValzah, Vawter and Willard—29.

The amendment was adopted.

Mr. Herod moved that the vote on the claim of Jessie Jones be reconsidered.

Which was agreed to.

Mr. Sleeth and Mr. Works were paired; Mr. Sleeth voting against the amendment and Mr. Works for the amendment.

On motion of Mr. Copeland the House adjourned.

## AFTERNOON SESSION.

MARCH 24, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 555, entitled "An act to legalize the election of the common council of Montpelier, Indiana," have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Overmyer moved that House bill No. 344, together with the Senate message thereon, be returned to the Senate, and that the Senate be respectfully requested to have the Senate amendment to said bill engrossed, and that the Senate message be made to show in what manner said bill has been amended by the Senate.

Which motion prevailed, and the Clerk directed to return the bill and message to the Senate.

Which was agreed to.

Mr. Miers was called to the chair.

Engrossed House Bill No. 527, which was read the third time, was put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick,



Miers, Mitchell, Nave, Osborn of Vermillion, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Vanpelt, VanValzah, Vawter, Watson and Wimmer, —77.

Mr. Fancher voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Senate Concurrent Resolution No. 43, concerning adjournment of the Legislature, was read.

Mr. Overmyer submitted the following amendment:

I move to amend the resolution by striking out all after the word "concurrent" and inserting the following: "That the General Assembly will adjourn *sine die* on Wednesday, March 26, 1879, at 12 o'clock noon."

Mr. Osborn of Elkhart submitted the following amendment to the amendment:

"Provided that the specific appropriation bill be passed and a fee and salary bill be enacted substantially reducing the fees and salaries of public officers."

Mr. Overmyer moved to lay the amendment to the amendment on the table.

Mr. Allen moved that the whole matter do lie on the table.

On which Messrs. Golden and Mitchell demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Caldwell, Carter, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, Fancher, Faulkner, Fleming, Flodder, Galbraith, Hart, Hubbard, Johnston, Kester, Kirkpatrick, Major, Miers, Mitchell, Nave, Perry, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Stucker, Taylor of Warrick, Thompson, Vanpelt, Wimmer and Mr. Speaker—42.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Connaway, Connor, Copeland, Cunningham, Donnell, English, Garrouette, Ginz, Golden, Handy, Herod, Hess, Hopkins, Hosmer, Kelly, Lindley, March, Messick, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Shutt, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Van Valzah, Vawter, Watson and Willard—45.

Which motion was not agreed to.

The question recurring upon the motion of Mr. Overmyer.

Messrs. Golden and Mitchell demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Brown of Steuben, Campbell, Carey, Connaway, Connor, Copeland, Cunningham, Golden, Harland, Herod, Hess, Hopkins, Kelly, Kirkpatrick, Lehman, Lindley, Overmyer, Owen, Robeson, Robinson, Rodman, Rooker, Skinner, Snoddy, Taylor of Lagrange, Thayer, Van Valzah, Vawter and Watson—30.

Those who voted in the negative were: Messrs. Allen, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Confer, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hosmer, Hubbard, Humphreys, Johnston, Kester, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Reed, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Shutt, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Vanpelt, Willard, Wimmer and Mr. Speaker—57.

The motion was not agreed to.

The question being upon the amendment of Mr. Osborn.

It was adopted.

Mr. Johnston moved to amend the amendment by striking out Wednesday, the 26th, and inserting Monday, the 31st, 1879.

On the adoption of the amendment of Mr. Johnston, Messrs. Johnston and Hess demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carter, Confer, Cunningham, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, Faulkner, Fleming, Flodder, Garrouette, Hart, Humphreys, Johnston, Kirkpatrick, Lehman, Major, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reed, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Shutt, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Vanpelt, Watson, Wimmer and Mr. Speaker—52.

Those who voted in the negative were: Messrs. Arnold of Wabash, Brown of Steuben, Carey, Connaway, Connor, Copeland, Donnell, English, Fancher, Galbraith, Golden, Handy, Harland, Herod, Hess, Hopkins, Hosmer, Hubbard, Kelly, Kester, Lindley, Messick, Osborn of Vermillion, Overmyer, Owen, Robeson, Robinson, Rodman, Rooker, Skinner, Snoddy, Taylor of Lagrange, Van Valzah, Vawter and Willard—36.

The amendment was adopted.

Mr. Overmyer moved to reconsider the vote by which the amendment of Mr. Osborn was adopted.

On which motion Messrs. Hess and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Connaway, Copeland, Cunningham, Donnell, Fancher, Garrouette, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Messick, Osborn of Vermillion, Overmyer, Owen, Robeson, Robinson, Rodman, Rooker, Shields, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Van Valzah, Vawter and Willard—39.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Carter, Confer, Dailey, Dalton, Davidson, Davis, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Ginz, Handy, Hart, Humphreys, Johnston, Kester, Lehman, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Reed, Reichelderfer, Scholl, Schweitzer, Shauck, Shutt, Stucker, Taylor of Daviess, Thompson, Vawter, Wimmer and Mr. Speaker—47.

The motion to reconsider was not agreed to.



The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that engrossed Senate amendments to engrossed House bill No. 344, the fee and salary act, were correctly engrossed, but that one sheet therefrom has been lost since leaving the Senate chamber, and that the same has now been supplied, and said bill and engrossed Senate amendments are herewith retransmitted to the House.

Mr. Connaway was granted leave of absence.

Senate amendments to engrossed House bill No. 344 were read.

The question being, will the House concur in Senate amendments to House bill No. 344.

Which was not agreed to.

Mr. Osborn of Elkhart offered the following resolution:

*Resolved*, That since the establishment of the present fees and salaries of public officials prices of labor and production have greatly decreased, and all kinds of property have become very much depreciated in value, and by reason of such facts it is the judgment of this House that the fees and salaries of public officials ought to be reduced about twenty-five per centum of the present amounts. And it is the further judgment of this House that the best and most feasible way now to accomplish such reduction is to adopt the present statutes as to items of charges for fees or salaries and reduce the several amounts thereof about twenty-five per centum, eliminating from such statutes as much as possible all opportunity for constructive charges of fees or salaries.

Which was adopted.

Mr. Dalton moved that a committee of conference be appointed on engrossed House bill No. 344.

Which was adopted.

The chair appointed as such committee Messrs. Dalton and March.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate has passed engrossed Senate bill No. 195, an act concerning the redemption of real estate, and I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bill No. 444, an act relating to warehousemen, etc., and said bills are herewith transmitted to the House of Representatives.

Engrossed Senate Bill No. 195, entitled "An act providing for the redemption of real property, or any interest therein, sold on execution or decree of sale, and providing for deeds of conveyance in such cases.

Read the first time.

Engrossed House Bill No. 631 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Carter, Confer, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Flodder, Galbraith, Golden, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stucker, Taylor of Daviess, Taylor of Lagrange, Thayer, Van Valzah, Willard, Wimmer and Mr. Speaker—73.

Those who voted in the negative were: Messrs. Faulkner, Handy, Johnston and Rooker—4.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Humphreys moved that a committee on conference on the part of the House be appointed, and that the Senate be requested to appoint a similar committee on the special appropriation bill.

Which was agreed to.

The Speaker appointed as such committee Messrs. Humphreys and Overmyer.

Engrossed House Bill No. 476 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Flodder, Galbraith, Garrouette, Goldon, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Lehman, Lindley, Major, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, VanValzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—75.

Those who voted in the negative were: Messrs. Carter, Confer, Faulkner and Handy—4.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 457 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drover, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Golden, Handy, Hopkins, Hosmer, Hubbard, Humphreys, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Osborn of Vermil-



lion, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—75.

Mr. Stucker voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled Senate acts Nos. 103, 158 and 18.

Engrossed House Bill No. 418 was read the third time and put upon its passage.

Mr. Dailey demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Bearss, Blockley, Brown of Jasper, Caldwell, Campbell, Carey, Carter, Confer, Cunningham, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Handy, Harland, Hart, Herod, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Miers, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Owen, Perry, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Skinner, Stevens, Stucker, Taylor of Lagrange, Vawter, Wimmer and Mr. Speaker—53.

Those who voted in the negative were: Messrs. Arnold of Wabash, Baker, Barker, Briggs, Brown of Steuben, Bryant, Connor, Copeland, Dailey, Dalton, Davidson, Donnell, English, Garrouette, Ginz, Hess, Hopkins, Hosmer, Messick, Overmyer, Reed, Saint, Shutt, Snoddy, Taylor of Daviess, Taylor of Warrick, Thayer, Vanpelt, Watson and Willard—30.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 460 was read the third time and put upon its passage.

Mr. Briggs was called to the chair.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Confer, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Fleming, Flodder, Galbraith, Garrouette, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Nave, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Thayer, Vanpelt, VanValzah, Vawter, Watson, Willard and Mr. Speaker—68.

Those who voted in the negative were: Messrs. Baker, Brown of Steuben, Faulkner, Humphreys, Johnston, Miers, [Mithell, Osborn of Elkhart, Osborn of Vermillion, Stucker, Taylor of Lagrange and Wimmer—11.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has appointed, as members on the part of the Senate, a conference committee to confer upon engrossed House bill No. 640, the specific appropriation bill, Senators Cadwallader and Leeper, and that he has appointed on the part of the Senate, Senators Kent and Moore as members of the conference committee to confer upon engrossed House bill No. 344.

Also, that the Senate has passed engrossed Senate bill No. 427, and the same is herewith submitted to the House for its action.

On motion of Mr. Nave the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## TUESDAY MORNING.

MARCH 25, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Edwins, the further reading was dispensed with.

House Bill No. 697. Introduced by Mr. Briggs, entitled "A bill for an act for the more speedy determination of causes of action in the circuit and superior courts of this State, and declaring an emergency."

Read the first time.

Engrossed House bill No. 427, entitled an act to amend sections 1 and 2 of an act entitled an act to regulate public ware houses and ware housing, and inspecting and mixing grains, making warehouse receipts assignable and negotiable, and providing a penalty for issuing false or fraudulent receipts by warehousemen, and for fraudulently removing property by them, approved March 9, 1875, so as to provide for keeping a record of warehousemen's permits, defining public warehouses, and declaring an emergency."

Read the first time.

Engrossed Senate Bill No. 195 was read the second time and referred to the committee on the judiciary.

House bill No. 696 was read the second time and ordered engrossed.

Mr. Allen moved that engrossed Senate bill No. 254 be taken from the table and placed on the calendar.



Engrossed Senate Bill No. 118 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Confer, Connor, Copeland, Dailey, Davidson, Donnell, Drake, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Mitchell, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Thayer, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer and Mr. Speaker—70.

Those who voted in the negative were: Messrs. Cunningham and Drover—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 669 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Bearss, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connor, Dailey, Davis, Donnell, Drake, Drover, English, Fleming, Galbraith, Ginz, Golden, Harland, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Robinson, Rodman, Rooker, Shields, Skinner, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vawter, Watson and Works—56.

Those who voted in the negative were: Messrs. Allen, Baker,

Blockley, Brown of Steuben, Copeland, Cunningham, Davidson, Edwins, Fancher, Faulkner, Flodder, Garrouette, Handy, Hart, Hosmer, Humphreys, Johnston, Lehman, Mitchell, Osborn of Elkhart, Robeson, Scholl, Schweitzer, Shauck, Shutt, Snoddy, Stucker, Vanpelt, Wimmer and Mr. Speaker—30.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 57 was read the third time.

Mr. Willard moved to recommit, with instructions to make its provisions apply only to counties containing cities with a population of more than twenty thousand inhabitants under the census of the United States of America taken in 1870.

Mr. Tulley moved to lay the motion on the table.

Which was agreed to.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Barker, Brown of Steuben, Bryant, Campbell, Carter, Confer, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Fleming, Garrouette, Ginz, Golden, Hart, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Tulley, Vawter, Watson, Works and Mr. Speaker—63.

Those who voted in the negative were: Messrs. Alden, Allen, Blockley, Briggs, Brown of Jasper, Caldwell, Carter, Cunningham, Drake, Faulkner, Flodder, Galbraith, Handy, Hosmer, Humphreys, Johnston, Nave, Osborn of Vermillion, Perry, Rooker, Saint, Shields, Stucker, Thompson, Willard and Wimmer—26.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof. :

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted and concurred in House concurrent resolutions Nos. 36, 37, 38 and 39, and that the Senate has designated the Senate finance committee to confer with the ways and means committee of the House upon the same.

Mr. Works moved that the order of business be suspended, so that the special committee on investigation of the Attorney General's office might make a report.

Which was agreed to.

Mr. Faulkner, from the special committee on investigation of the Attorney General's office, submitted the following report:

MR. SPEAKER:

Your special committee, to whom was referred the resolution instructing the committee to investigate the office of the Attorney General, during the terms of office of James C. Denny and Clarence A. Buskirk, and report to the House whether they or either of them collected and failed to pay over moneys belonging to the State, have had the same under consideration and submit the following report:

In 1855 an act was passed providing for the election of an Attorney General, fixing his compensation and prescribing his duties. The act provided that he should be paid a salary of one thousand dollars, which was his only compensation, no fees or commissions being provided for. Section 4 of said act is as follows:

"Sec. 4. Such Attorney General shall prosecute and defend all suits that may be instituted by or against the State of Indiana, the prosecuting or defending of which is not already provided by law, whenever notified ten days of the pendency thereof by the clerk of the court in which such suits are pending, and whenever required by the Governor or a majority of the officers of state in writing to be furnished him within a reasonable time for the purposes therein contemplated."

It is clear that under the statute, as it then stood, the Attorney General was bound to appear on behalf the State in all suits for or



against the State, and that his only compensation was the salary provided for in this act.

The question whether the gentlemen named above have accounted to the State for all moneys collected by them, depends in part upon the construction to be given to the act relating to the duties and compensation of the Attorney General, approved March 10, 1873. 1 Revised Statutes, page 151.

This act is supplementary to the act of 1855. It imposes additional duties upon the attorney general, and for a part of such services provides additional compensation. Section 2 of the act provides:

“Sec. 2. That in all cases where the Prosecuting Attorneys have failed, for one year after the assessment of any fine, or the forfeiture of any recognizance, or may hereafter, for one year after the assessment of any fine or forfeiture of any recognizance, fail to institute proceedings to collect and pay into the proper treasury any fine or forfeiture, it shall be the duty of the Attorney General to institute proceedings and collect and have paid into the proper treasury all such fines and forfeitures.”

This section makes it the duty of the Attorney General to collect all fines and forfeitures where the Prosecuting Attorney has failed to collect and pay the same into the proper treasury for one year after such fine is assessed or recognizance forfeited. No additional compensation is provided for the services required by this section, save the additional salary of three thousand dollars named in section 6.

The main difficulty arises under section 9 of the act, which provides for additional services, and allows therefor additional compensation in the way of commissions on moneys collected. It provides:

“Sec. 9. It shall be the further duty of the Attorney General to ascertain from time to time the amounts paid to any public officer of the State, or any county officer, or other person, for unclaimed witness fees, court docket fees, licenses, money unclaimed in estates or guardianships, fines or forfeitures, or moneys that escheat to the state for want of heirs, or from any other source, where the same is by any law required to be paid to the state or any officer in trust for the state; and in all cases where the officers, whose duty it shall be to collect the same, shall fail, neglect, or refuse, for twelve months after the cause of action in favor of the state shall have accrued, or shall fail, neglect, or refuse to sue for, and proceed to recover any property belonging to, or which may escheat to the State, the said Attorney General shall institute, or cause to be instituted and prose-

cuted, all necessary proceedings to compel the payment of, or recovery of any such property. For all collections made, or property recovered, under the provisions of this section, the Attorney General shall be allowed a commission of twenty per cent. on the first thousand dollars, ten per cent. on sums not exceeding two thousand dollars; on all sums exceeding two thousand dollars, five per cent.; and for the purpose of enabling the Attorney General to ascertain the facts herein contemplated, it is hereby made the duty of the officers having the custody of any such moneys, to report all the facts to said Attorney General, upon oath or affirmation, pertaining thereto, on his demand in person, by deputy, or in writing; and any such officer failing to render such information upon such demand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars."

By applying to this section the familiar rule of construction that requires us, if possible, to ascertain the legislative intent and give it effect, it is clear that this section contains two, and but two, separate and distinct propositions; and although they are somewhat confounded, as they stand in the section, they may be very readily separated.

To aid us in interpreting the section, we will divide it into two parts, each containing one proposition, as was undoubtedly intended by the Legislature.

"Sec. 9. It shall be the further duty of the Attorney General to ascertain, from time to time, the amounts paid to any public officer of the State, or any county officer, or other person, for unclaimed witness fees, court docket fees, licenses, money unclaimed in estates or guardianships, fines and forfeitures, or money that escheats to the State for want of heirs, or from any other source where the same is by any law required to be paid to the State or any officer in trust for the State; and for the purpose of enabling the Attorney General to ascertain the facts herein contemplated, it is hereby made the duty of the officers having the custody of any such moneys to report all the facts to said Attorney General, upon oath or affirmation, pertaining thereto, upon his demand in person, by deputy or in writing, and any such officer failing to render such information upon such demand shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars."

It is very clear that the above is a distinct proposition and com-

plete in itself. It authorizes no suits and provides for no fees or commissions for the performance of the services required, but simply requires the Attorney General to ascertain what money belonging to the State has been collected by such officer, and requires the officer, under penalties, to furnish him with the necessary information. It does not even require the officer to pay it over to the Attorney General, but seems to presume that if it has been collected it has or will reach the treasury through the proper channels as provided by law. We now come to the other proposition contained in said section, which is equally independent, which we designate as

"Sec. 10. In all cases where the officers, whose duty it shall be to collect the same, shall fail to collect or refuse, for twelve months after the cause of action in favor of the State shall have accrued, or shall fail, neglect or refuse to sue for and proceed to recover any property belonging to or which may escheat to the State, the said Attorney General shall institute or cause to be instituted and prosecuted, all necessary proceedings to compel the payment of or recovery of any such property. For all collections made or property recovered under the provisions of this section the Attorney General shall be allowed a commission of twenty per cent. on the first thousand dollars, ten per cent. on sums not exceeding two thousand dollars, and on all sums exceeding two thousand dollars, five per cent."

When the section is thus divided, it seems very clear that the purpose of the first proposition, which we have designated section 9, is to aid the Attorney General in enforcing the second, because after having, under the first, ascertained what money belonging to the State has been collected, it is an easy matter to ascertain what is uncollected. Then it becomes the duty of the Attorney General, if the proper officer has refused or neglected to take the proper legal steps to collect the moneys of the State, for twelve months or more, to step in and institute suit or such other legal proceedings as may be necessary.

Now, under the first proposition as aboved copied, the Attorney General is not entitled to any fees or commissions for merely ascertaining what moneys belonging to the State the officer has collected, but his commissions must be alone on that which the officer refused or neglected to collect and the Attorney General did collect. It can not be construed to mean the money that the officer had collected from the citizen, and then failed to collect from himself, because the money would be no nearer the state treasury after he had collected it from himself than before. Nor is it the duty of the Attorney



General to collect from county officers moneys which they had collected from the citizen for the use of the state, county or school fund. The statute expressly provides that the Attorney General shall institute proceedings when the officer has failed to *collect* the money, and not when such officer has failed to *pay over* or account for the money after it reached his hands. The laws provide a channel and manner through and by which every dollar of such money so collected shall reach its proper fund, through the medium of these officers, the bond of each of which is much larger than the bond of the Attorney General, as fixed by law.

If the act in question was meant to authorize the Attorney General to collect from the officer the moneys he has ascertained to be already collected by such officer from the citizen, then it would have authorized the Attorney General to bring suit on the bond of such officer in case of his refusal to pay, which would be the only mode of collecting it, but no such authority is found in the act under consideration. Again, if the Legislature had intended by this act to constitute the Attorney General a receiver or gatherer of these vast sums which are continually passing through the hands of the different public officers, it would surely have required of him, for the protection of the same, a much larger bond than \$5,000, the amounts collected and held by him amounting to hundreds of thousands of dollars, while the aggregate bonds of the officers from whom he collected amount to many millions.

Your committee is therefore of the opinion that the Attorney General is not entitled by law to charge any fees or commissions on moneys received by him, from any officer who had collected any of the money named in section 9, for the use of the state, county or school fund, nor is the officer authorized to pay the same over to him.

Now, what is he entitled to charge the commissions named in sections 9 and 11 of the act under consideration upon?

This brings us to an analysis of the different funds named, the source from which they are derived, and the manner of their disposition. We find unclaimed witness fees, fines and forfeitures, moneys that escheat to the state for want of heirs—all go into the common school fund. License fees for the sale of intoxicating liquors also go into the same fund, and all moneys derived from these sources are to be paid into the county treasury, and, upon their payment, they become a part of the common school fund of the state, and the-

county is held responsible for the preservation and proper distribution of the same.

Bank, circus and exhibition license fees are paid in for the benefit of and belong to the county agricultural societies.

Common pleas court docket fees and jury fees are paid into the county treasury for the use of the county, while circuit court docket fees belong to the state. Unclaimed balances in estates and guardianships are held in trust by the state for the heirs, and the county treasurer is required to account to the state treasurer for them in his annual settlements.

Now, it will hardly be contended that the act we are considering would authorize the Attorney General, in any event, to collect the moneys belonging to the county or agricultural society and charge them a commission therefor in the absence of an express contract with them therefor. It is a serious question when the moneys collected from these sources for the school fund become a part of that fund. The interest on the fund proper is known as school revenue, and belongs to the tuition fund; but the principal of the fund can never be reduced, or any portion of it expended. Now, if a judgment is taken on a forfeited recognizance for \$500, and after months or years the same is collected with interest thereon, the question arises, is the whole sum, principal and interest, to be paid into the common school fund, or is the principal only to be paid into that fund, and the interest into the tuition fund? This is an important question to the state, the Attorney General and the counties, because, if these claims shall be regarded and held to be a part of the common school fund, from the time they *should* have been paid, the county is responsible for the payment of them into the school fund whether they were ever collected or collectible or not. The Attorney General, it would seem, has construed the law to mean that from the time such claim became due it was a part of the common school fund, and accounted for separately—the principal to one fund and the interest to another. If this theory be correct, there is a very large liability on the part of every county to the common school fund on account of fines, forfeitures and penalties, which never have been, never could have been, and never can be collected—for the counties are liable for all the moneys that ever became a part of that fund.

Your committee, however, are of the opinion that these collections are not to be considered as a part of the common school fund until they are actually realized by payment into the hands of an



officer who is, by law, constituted a custodian of that fund, and that, up to that time, they should bear their proper proportion of the expenses, fees and commissions for their own collection, and the net balance, together with all accrued interest thereon, should be paid to that fund.

This view is supported by the late decision of our supreme court in the case of the State *ex rel.* Attorney-General v. W. A. Moore, administrator of James Gavin, in which case the court held that the statute of limitations run against the state in cases where the clerk has held this class of funds in his hands for over six years. But, if he held them in trust, or as a custodian for the common school fund, it is a well settled principle that statutes of limitation will not run against a trust fund in the hands of any one who holds it in trust. The conclusion is, therefore, irresistible that the clerk did not hold such funds as a custodian of the school fund, and that it should not be regarded as a part of that fund until it has actually been paid into that fund. Therefore, if the Attorney General has exempted collections for this fund from the payment of fees and commissions, and added them on to his fees and commissions for the collection of other funds, such additional charge on the other fund was illegal and erroneous. The facts in relation to this matter will be shown hereafter.

It has been shown that the collections contemplated in section 9, above quoted, shall belong in part to the county, in part to the state, and in part to the common school fund. These collections are derived from separate and distinct sources and belong to separate corporations. The Attorney General, as such, has no right whatever to collect moneys belonging to a county. Such moneys, when collected, should not be mingled with moneys belonging to the state or school fund, nor should commissions be deducted from them on account of collections made for the state or school fund; and when such course has been pursued, the State is justly indebted to the county for the amount thus improperly taken from its funds. As well might an attorney or collector mingle the funds of his clients, or charge the one for services rendered the other.

With this view of the law we pass to a consideration of some of the facts; but in doing so we desire to say that it has been impossible for the committee to examine all the accounts of either of the Attorney Generals; but the accounts with some of the counties have been carefully examined, and the results in those counties are given as they appear from the reports of collections made by assistants and



filed in the office. Mr. Denny kept a book during his term of office which has been open to our inspection. We submitted to him the following interrogatories:

*To Hon J. C. Denny :*

1. How many suits were brought by you against persons not officers, whose duty it was to collect the money due the State, and in what counties?

2. How much money was realized to the State by such suits?

3. Is the Attorney General entitled to any commission or fee for collections made without suits?

4. Does the act of March 10, 1873, authorize the Attorney General to bring suit against any officer whose duty it is to collect the moneys due the State, or does it simply authorize him to bring suit against the person indebted to the State in case the officer has failed to collect the same?

5. Is the commission allowed in section 11 in addition to those provided for in section 9 of said act?

6. Is the Attorney General entitled to any fee or commission, under said act, for moneys collected that when collected do not belong to the State?

7. What was the total amount of fees and commissions collected by you and your assistants, during your term of office, under sections 9 and 11 of said act?

8. What amount of money collected by you was paid into the State treasury, and how much into each county treasury during your term of office?

Answers to interrogatories numbered 1, 2, 7 and 8 are required to be answered under oath.

C. R. FAULKNER, Chairman.

To these interrogatories he submitted his answers as follows:

"INDIANAPOLIS, MARCH 24, 1879.

"HON. C. R. FAULKNER,

Chairman House Special Committee:

SIR: For answer to the several questions propounded by you to me, I say:

"To the *first*: That it is impossible for me at this time to give you the names of all the persons against whom suits were brought during my official term as Attorney General in the several counties in this State. During the time I was in office I kept a docket of the suits pending, and at the close of my term I reported to my

successor all the suits then pending and undetermined, which will be found in my official report to the Governor for the year 1874, on pages 103 and 104. I have tried to find the docket containing the memorandum, but, so far, have been unable to do so. A great number of suits were prosecuted against officers, ex-officers, administrators, etc. I suppose the docket was left in the office. It was deemed of no value, for the reason that the record required by law to be kept contained a correct statement of all moneys collected in each county, and the disposition made of the same, which record is now in the office of the Attorney General, and has remained there ever since the close of my term.

“To the *second*: That it would require more time than I can spare at this time to go through the paper on file in the Attorney General’s office and find the amount collected by suits, and separate such collections from those collected without suit. In some cases suits were brought, and, while pending, the amount due was agreed upon and paid, and the suit dismissed. When the matter was closed up, I dismissed it from my mind, for the reason that, as I construe the law, it made no difference, either to me or the State, whether the money was collected by suit or otherwise. The important point was to get the money into the proper treasury. At the close of my term I made a report to the Governor covering the two years from November 6, 1872, to November 6, 1874, in which I intended to state the full amount of all collections made, the kind of funds collected, and when the same were paid. A printed copy of that report is now herewith submitted.

“To the *third*: That the Attorney General is entitled to the commissions provided for in section 9 of the act of March 10, 1873, for all collections made under the provisions of that act, whether collected by suit or otherwise. The statute does not seem to make any difference or distinction between collections made by suit and those made without suit.

“To the *fourth*: That the act of March 3, 1873, in my opinion, authorizes the Attorney General to sue the person who has money due to the State, and not the person whose duty it was to sue and who had failed to do so. I think it was the intent and purpose of the act to authorize proceedings to be taken against the person having the money of the State in his hands who was in default, as provided for in said act, and in prior acts which were repealed or superseded by said act. In this view of the law, I think I am fully sustained by

the several rulings of the supreme court construing said act. See opinion of supreme court in case of Moore, adm'r of Gavin v. State *ex rel.* Attorney General, — Ind., p. —.

“To the *fifth*: That the commissions allowed and provided for in section 11 is in addition to those provided for in section 9. The eleventh section provides that the commissions paid to the assistant shall be paid “out of the sums so collected;” not out of the commissions of the Attorney General.

“To the *sixth*: I think not, unless it be common pleas court docket fees.

“To the *seventh*: My official report fully answers this question. All the people of the state have had access to this report from November, 1874, to this date. It was published and circulated in all the counties in the state with the reports of the other state officers for that year.

“To the *eighth*: This is fully answered in my report referred to above, in answer to question 7.

“I understand the ninth section of the act of March 3, 1873, to require the Attorney General to collect all moneys that escheat to the State for want of heirs; to sue for and recover all property that escheats to the State; lands that have been granted to the State when no special object is expressed in the grant; the proceeds of the sale of swamp lands granted to the State; the taxes that may be assessed from time to time upon the property of corporations for common school purposes; bank tax fund; fines and forfeitures. Also, money and income derived from license granted for the sale of liquors; unclaimed witness fees; jury fees, and all fees remaining in the hands of justices of the peace for twelve months, as provided by section 21. 1 G. & H., p. 640. (This section requires all fees remaining in the hands of justices of the peace for one year to be paid for the use of common schools.)

“The ninth section also requires the Attorney General to collect circuit court docket fees, money unclaimed in estates, etc., as provided for in section 143. 2 G. & H., p. 525.

“The statute (1 G. & H., p. 540, sec. 6) made it the duty of clerks to pay over all court docket fees within thirty days after the same are received by them.

“Clerks and sheriffs were, from February, 1871, to March 8, 1873, required to pay over to the county treasurer all fines, forfeitures, docket fees, *jury fees* and unclaimed witness fees, and all money belonging to the school fund, on the first Mondays of December,



March, June and October, in each year. See Acts of 1871, sec. 20, p. 35.

"Justices of the peace and mayors of cities are required to pay over all fines, forfeitures and unclaimed witness fees, on the first Mondays in January and July in each year. See 2 G. & H., p. 640.

"These are the acts of the Legislature that governed me in my actions while Attorney General, as I now remember them. While in office the several statutes that in any way affect the public funds were made a special study. I have been out of office now for over four years, and my attention has not been called to them since until your committee did so. I have attempted to answer your questions fully. If there be any further inquiry you desire to make it will give me pleasure to answer them, and will do so as fully as possible.

"Respectfully submitted,

"J. C. DENNY."

It will be seen by the answer that the committee received but little information as to the facts. The interrogatories which were required to be answered under oath were not answered at all. He declined to answer, giving as a reason that he had not time to do so. As to the answers to the legal questions, they differ materially from our own views as given above. We set them out in full, that they may be carefully considered by the House.

If we are correct in the position taken, that no collections made from officers who have already collected the money would entitle the Attorney General to charge a commission, then a very great part of the commission charged should have been paid into the treasury. We desire, in giving the facts, however, to view them in the light of the construction placed upon the statute by those who received the fees. It is conceded by Mr. Denny that the statute gives the Attorney General no right to charge a commission on moneys collected that belonged to the county, nor on money that had not been in the hands of the person or officer for one year after he should have paid it over. Mr. Buskirk has not appeared before the committee. We know nothing of his views of the law. The book kept by him was found in the office, and A. F. Ayres, Esq., who was his deputy, and is now the deputy of the present Attorney General, has rendered the committee every assistance possible in ascertaining the facts, but he did not keep the financial books of the office, and therefore could render but little assistance in ascertaining the true state of the accounts. In many of the counties where very large sums of money have been collected the books in the office contain no account of the

transactions. This has left the committee to search out the amounts as best they could from the reports of assistants, and if any injustice is done to any one in giving the amounts it may be attributed to this fact.

We desire to call attention particularly to the collection of a large amount of money from the United States Government during Mr. Denny's term of office upon certain claims growing out of the war. The amount actually collected was \$123,586.52. The amount found due the State from the government was \$176,355.93, but the State was indebted to the government at the time in the sum of \$52,869.41, which was deducted from the amount due the State, making the amount actually collected for the State \$123,486.52. For this collection Mr. Denny charged the State and deducted out of the amount his commission on the whole sum of \$176,355.93, making his commissions \$9,217.78.

The charge of commission on the \$52,869.41 not collected is wholly unjustifiable in any view that may be taken of the statute. In the opinion of the committee he had no right to any commission upon any part of the money collected from the government. The claim to the commission is predicated upon section 9 above quoted. There is no other statute upon which it could be claimed. Let us see if he was entitled to it under that section. The Attorney General is only authorized to collect under that section in cases where it is made the duty of some other officer to collect the money, and that officer has failed or neglected to do so within one year after the cause of action of the State arose. If it was the duty of any officer to collect the money, it was either that of the Governor or the Attorney general. If it was the duty of the attorney general, he was bound to collect it under section 4 of the act of 1855, and no commissions are allowed under that section. If it was the duty of the governor, he should have called the attorney general to his assistance under the same section, and then also there could be no claim for commissions. But conceding that he was not bound to perform these services under section 4, could he charge it under section 9? In order to entitle him to do so he must show:

First—That a cause of action had existed against the government for one year.

Second—That it was the duty of the governor to collect the money, and

Third—That the governor had for the space of twelve months refused or neglected to institute the necessary proceedings to collect the same.



The *first* of these could not be true for the reason that the state could not have a cause of action against the general government, nor could she bring a suit to recover the money.

If the *second* was true, which may be admitted, the *third* was clearly not true, as Messrs. J. & M. Trimble were duly appointed as the agents of the state to procure the money, under a contract made with the sanction of the governor, for which they were paid seventeen thousand six hundred and thirty-five dollars and fifty-eight cents.

The contract under which they acted was as follows:

*To whom it may concern:*

"Know ye that I have appointed Messrs. J. & M. Trimble assistant agents for the settlement of the outstanding claims of this State, and do hereby authorize and empower them to assist in prosecuting and adjusting said claims now on file in the treasury department against the United States, or which may hereafter be filed, *and that they are subject at all times to the order and instructions of the Governor of this State* in the discharge of their duties as assistant state military claim agents, transmitted through this office.

"By order of his excellency,

"THOMAS A. HENDRICKS,  
Governor of the State of Indiana.

"J. C. DENNY,

Attorney General of the State of Indiana."

This contract effectually destroys the third and last contingency upon which the Attorney General could claim a commission, by showing that the Governor was not neglecting his duty, but that these agents were acting under his orders and instructions. The money, when paid, was transmitted by draft to the Governor, and for some unaccountable reason the draft was endorsed by him to the attorney general, who had no right whatever to receive it, and who at the time had given bond for only \$5,000. The transfer of the draft resulted, as the committee believe, in a loss to the State of nearly \$10,000, by giving the attorney general an opportunity to retain that amount as commission, which he was not entitled to receive.

In order to make the transaction appear to better advantage, the report of Mr. Denny, made at the close of his term, is made to show that he collected from the general government the full amount of \$176,355.93, and that he paid the government \$52,869.41, when, as



has been shown, the state never *received* that amount of money, and Mr. Denny never *paid* the sum of money named to the general government.

It is the opinion of the committee that the amount retained for this commission was the money of the state, and should have been paid into the treasury. The books of the state treasury show that only the sum of \$90,669.44 was paid into the treasury, which would still be \$5,963.52 less than he should have paid into the treasury, even if he had the right to deduct the full amount retained as his commission.

Mr. Denny claims that he applied this amount to the payment of commissions due him under section nine. The sum of \$4,245 was retained "for commissions on land recovered from the Central Canal Company in Hendricks Circuit Court." This suit was brought in 1865 to recover certain real estate in the city of Indianapolis. The law under which the commissions were retained was not then in force, but the act requiring the Attorney General to prosecute and defend all suits for or against the State was in force, and the Attorney General who preceded Mr. Denny had conducted the suits under that law, and it was pending when Mr. Denny came into office. No such construction can be given the act of 1873 as to allow the Attorney General to charge a commission for this service. The \$4,245 belonged to the State, and should have been paid into the treasury. The balance of the amount was applied upon commissions claimed for collections in different counties. Of these, one was for \$321.52 for collecting \$918.90 in the county of Sullivan, while the book of the attorney general shows that he had already deducted the amount of these commissions out of money collected in that county. So this amount should also have been paid into the treasury.

In Clay county, as shown by the report of J. G. Miles, Assistant Attorney General, the sum of \$2,013.21 was collected. Of this amount \$247.88 was common pleas court docket fees, and \$104.30 jury fees, which, as we have shown, belonged to the county. A commission of thirty per cent. was charged on the whole amount, including these sums, which would make an overcharge on the commissions of \$105.65. Besides this overcharge, the book of the Attorney General only accounts for \$1,776.73, which would increase the shortage in this case to \$342.13, if he was entitled to the commissions he claims.

The above are a few of the cases where the committee believe the amounts due the State have not been paid over by Mr. Denny.

We find by an examination of the books kept by him, that in every case where fees were collected that belonged to the county, commissions were charged, by both the Attorney General and his assistants, therefor, and in many instances the whole commissions have been taken out of the money collected for the state, thereby compelling the State to pay for collecting the counties' money. In some instances the whole commission of the assistant has been taken out of the counties' money to pay for collecting the money due the state.

Again, during the term of both of these gentlemen, money has been collected directly from the officer who had collected the same, before the proper time for them to report and pay the money over, thereby diverting it from the proper channel through which it should pass to the treasury. The Attorney General had no right whatever to collect these moneys, and the officers paying the money to him have violated their duty, and they should be held liable on their official bonds for any of the money lost in this way, including the commission deducted by the Attorney General.

We now pass to some of the facts connected with the collections during the term of Mr. Buskirk:

We find from the report of his assistant in Ripley county that there was collected in that county \$3,268.16. None of this amount ever found its way on to Mr. Buskirk's books, nor was it contained in his report. But the books of the State Treasurer show that \$1,475.09 has been paid in there, and \$741.22 was paid into the county treasury. Allowing him a commission on the whole amount at thirty per cent., he would be in default \$141.41.

#### POSEY COUNTY.

In Posey county there was collected, on a judgment against William Nelson, ex-clerk, the sum of \$3,168.57. Of this amount the report of the assistant shows that there were common pleas docket fees \$349.01, circuit court docket fees \$872.22, jury fees \$55, collected on the judgment March 5, 1877, with the interest thereon—the whole amount paid at this time being \$2,214.34. On May 4, 1877, there was collected on this judgment \$954.23, which was paid into the county treasury. On the whole amount of this judgment of \$3,168.57, thirty per cent. commission was charged—twenty per cent. for the Attorney General and ten per cent. for his assistant. On the common pleas docket fees and jury fees, which amounted, with the interest, to \$382.52, he was not entitled to any

fee. This would make an overcharge of \$114.75. On the balance he was only entitled to fifteen per cent. The statute allows him five per cent. on all sums exceeding \$2,000. This amount being over \$2,000, after deducting the amount upon which he was not entitled to commission, he could only charge legally for himself five per cent. and his deputy ten per cent. The amount of the overcharge would be \$367.90; in addition to this he failed to pay over the full amount after deducting his thirty per cent. commission by \$141.40, which would make the amount due the State \$604.05.

#### MARION COUNTY.

In Marion county there was collected from Austin H. Brown, while clerk, \$3,009.99, as shown by assistant's reports. Of this amount \$1,802.26 was composed of circuit court docket fees, and fines and forfeitures. Of this amount the report of the assistant shows that \$400 had not been in the hands of the clerk for one year; and the testimony of Mr. Brown before the committee, and his statement of his transactions with the Attorney General and county treasurer of Marion county, show that the balance of the \$1,802.26 had not been collected for one year. Besides this, the most of the money was paid directly to the county treasurer, and not to the Attorney General. The Attorney General had no right whatever to collect any commission, and yet the full thirty per cent. was charged, amounting to \$540.67. The reports show that the assistants have been gathering up the fines collected by justices of the peace before the year expired, and charging commissions on them in Marion and other counties. An account of all these can not be set out in this report.

#### BARTHOLOMEW COUNTY.

In this county a large amount of money was collected. The board of county commissioners of the county brought suit against Joel S. Davis, trustee of Sand Creek township, to recover moneys in his hands, collected as rents for congressional lands. Attorneys were employed by the commissioners to prosecute the suit, which resulted in a judgment for something over \$8,000. The cause was appealed to the supreme court of this State, and from there to the supreme court of the United States. The judgment was affirmed. Two thousand dollars were paid in on the judgment, and were appropriated by the attorneys employed by the commissioners. The State



authorities had nothing to do with the prosecution of the suit. After the judgment was finally affirmed, and the smoke of battle had cleared away, the assistant Attorney General, W. H. Donahay, appeared on the scene of action and "*looked up the amount due on the judgment*," after the payment of the \$2,000, which would seem to be an easy matter, as the judgment stood upon the record open to his inspection.

"*He found what was due*," and filed a precipe for an execution. The clerk issued the execution; the money was collected, amounting to \$7,511.33, and paid into the county treasury, where it belonged, and the Assistant Attorney General charged for his services ten per cent. amounting to \$751.13. As he did not handle the money, he appropriated moneys collected by him from Jay, Hancock, Blackford, Franklin and other counties to pay himself the commission. To fortify his right to claim this fee he filed with his report the following:

[Copy.]

SEPTEMBER 3, 1878.

"I hereby claim my percentage fee as Assistant Attorney General of Indiana for the sum of \$7,511.13, on account of moneys belonging to the common school fund of the State for the county of Bartholomew, due from Joel S. Davis, ex-trustee of Sand Creek township, in said county, as per judgment rendered in the Bartholomew circuit court, June, 1873, on which, after due investigation of amount remaining due and unpaid, I ordered out precipe for execution to issue and collection to be made in the sum of \$7,511.33, above stated. My fees on the above are ten per centum, or \$751.13. Duplicate quietus, Nos. 33 and 48, for the payment accordingly on said matter of said sum of \$7,511.33 into the treasury of Bartholomew county are filed herewith.

"W. H. DONAHAY, Assistant."

This paper is in the handwriting of the Attorney General, and clearly proves that he and his assistants were not entitled to their commissions. The judgment was recovered by the county commissioners.

The money was not collected by the Attorney General, but by the officers of the county, by virtue of an execution issued upon the judgment. The only connection the Attorney General had with the matter was to file a precipe, which he had no authority to do. For this collection a commission of \$1,326.69 was charged, which, in the opinion of the committee, was in open disregard of the law.

Your committee further report to the House that, while we have herein submitted our views of the law applicable to collections made by the Attorney General, and a few facts and cases illustrative of the practical management of that office during the period we were instructed to investigate the same, we do not, by any means, profess to say that our investigation has been thorough or complete, or that our report covers all the facts in the case; but we have done all that our limited time would admit, considering the incomplete condition of the record and papers of the office.

Had time allowed we should and would have ascertained and reported the exact amount due the state from each of the gentlemen named in the resolution, under *their own* construction of the law, and the amount due under *our* construction of the law, as hereinbefore set forth.

The amount is large in either case, but very much larger under our construction of the law than under theirs.

We would also, had time permitted, have investigated and reported for your consideration an adjustment of the different funds named in section 9, which we believe to have illegally mingled; and an adjustment between the state and the different counties in cases where the commissions for collecting the state or school funds were taken out of the moneys belonging to the county, and in cases where the county moneys were collected at the expense of the state. This could not be done in the time allowed the committee, but it should be done.

What action should be taken is left to the consideration of the house.

C. R. FAULKNER,  
J. F. STUCKER,  
G. HUTHSTEINER,  
JOHN D. WORKS,  
GEORGE B. SLEETH,  
The Committee.

Mr. Herod moved that the report be received, laid on the table, and five hundred copies be printed.

Which was agreed to.

Mr. Osborn, of Elkhart, offered the following resolution:

*Resolved*, That the committee be instructed to continue a consideration of the subject and report to the House the best method to

be pursued to recover the money or punish the officials and to submit such method by resolution or bill upon the subject.

Which resolution was adopted.

On motion of Mr. Lindley the House adjourned.

---

## AFTERNOON SESSION.

MARCH 25, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

House Bill No. 698. Introduced by Mr. English, entitled "A bill for an act authorizing and empowering the common council and board of aldermen in all cities organized under the general laws of the State of Indiana having a voting population of sixteen thousand or more, as shown by the vote cast at the last preceding election, to ordain and enforce ordinances to provide for the regulation and licensing of certain trades, occupations and privileges, persons, firms and corporations; also to ordain and enforce ordinances providing for the regulating and licensing of the use of hacks, carriages, wagons and other vehicles and declaring an emergency."

Read the first time.

House Bill No. 699. Introduced by Mr. Works, entitled "An act to amend section 9 of an act supplemental to an act entitled an act to provide for the election, fixing the compensation and prescribing the duties of the Attorney General of the State of Indiana, approved February 24, 1855, and repealing an act entitled an act to amend sections 4 and 7 of an act to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana, approved June 3, 1861, and prescribing additional duties of clerks of circuit courts and prosecuting and district attorneys, approved March 10, 1873."

Read the first time.

Mr. Lehman moved that the constitutional rules be suspended so that House bill No. 699 can be read the second time by title and be considered engrossed and read the third time and put upon its passage.



The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Confer, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drover, English, Fancher, Faulkner, Flodder, Golden, Hart, Herod, Hess, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, Miers, Osborn of Elkhart, Overmyer, Owen, Reichelderfer, Rodman, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—59.

Those who voted in the negative were: Messrs. Bryant, Carter, Cunningham, Drake, Edwins, Galbraith, Garrouette, Handy, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Messick, Osborn of Vermillion, Perry, Robeson, Rooker, Saint, Taylor of Daviess, Thornburg and Vanpelt—22.

The motion to suspend the constitutional rules did not prevail.

Mr. Miers moved that the Senate be requested to return to the House engrossed House bill No. 620, in order that it may be re-engrossed, there being some mistakes in the engrossed bill.

Which motion was adopted.

Engrossed House Bill No. 499 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Blockley, Briggs, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Connor, Dailey, Davidson, Davis, Donnell, Drake, Drover, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Golden, Handy, Hart, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Messick, Miers, Nave, Osborn of Elkhart, Osborn of Vermillion, Overmyer, Perry, Reichelderfer, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—69.

Those who voted in the negative were: Messrs. Carter, Cunningham, English, Sleeth and Tulley—5.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 557 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Handy, Hart, Hess, Herod, Hopkins, Hosmer, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Messick, Nave, Osborn of Vermillion, Reichelderfer, Robeson, Rodman, Rooker, Saint, Schweitzer, Shauck, Shutt, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Vanpelt, VanValzah, Vawter, Wimmer, Works and Mr. Speaker—63.

Those who voted in the negative were: Messrs. Connor, Cunningham, English, Humphreys, Miers, Stucker, Watson and Willard—8.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 520 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Connor, Copeland, Davidson, Donnell,

Drake, Drover, Edwins, Fancher, Flodder, Hart, Herod, Hess, Hopkins, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Osborn of Vermillion, Overmyer, Owen, Reed, Reichelderfer, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Vawter, Watson, Wimmer, Works and Mr. Speaker—61.

Those who voted in the negative were: Messrs. Briggs, Brown of Steuben, Cunningham, Dailey, English, Faulkner, Galbraith, Handy, Lehman, Shields, Sleeth, Taylor of Daviess, Tulley and VanValzah—14.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 197, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Confer, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Miers, Osborn of Vermillion, Overmyer, Owen, Reichelderfer, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Vanpelt, VanValzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—72.

Those who voted in the negative were: Messrs. Cunningham, Sleeth and Tulley—3.

The bill passed.



The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 576 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Campbell, Carey, Confer, Connor, Cunningham, Dailey, Davis, Donnell, Drake, Edwins, Fleming, Flodder, Galbraith, Garrouette, Herod, Hopkins, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Major, Messick, Miers, Nave, Osborn of Vermillion, Owen, Perry, Robeson, Rooker, Saint, Scholl, Schweitzer, Shutt, Skinner, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Vanpelt, VanValzah, Watson, Willard, Wimmer and Works—59.

Those who voted in the negative were: Messrs. Copeland, Davidson, English, Faulkner, Handy, Hosmer, Johnston, Lindley, Overmyer, Rodman, Stucker, Tulley, Vawter, and Mr. Speaker—15.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act.

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 214 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carter, Connor, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hart, Humphreys, Johnston, Kelly, Kester,

Lindley, Nave, Osborn of Elkhart, Osborn of Vermillion, Perry, Rodman, Rooker, Saint, Schweitzer, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Warrick, Vanpelt and Wimmer—46.

Those who voted in the negative were: Messrs. Bryant, Campbell, Carey, Confer, Copeland, Cunningham, Fleming, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Kirkpatrick, Messick, Miers, Reichelderfer, Robeson, Scholl, Shauck, Taylor of Lagrange, Thayer, Thornburg, Tulley, Vawter, Watson, Willard and Mr. Speaker—29.

The bill failed to pass for want of a constitutional majority.

The Speaker reported that he had signed enrolled House concurrent resolutions Nos. 36, 37, 38 and 39.

Mr. Humphreys, from the conference committee on house bill No. 640, submitted the following report:

MR. SPEAKER:

Your committee on conference, to whom was referred House bill No. 640 making certain specific appropriations, with the House and Senate amendments and agreements thereto, have conferred, and unite on the following report of agreement as the result of their conference, which were respectfully submitted, recommending concurrence therein:

First. That the House agrees to Senate amendment striking out item first of House bill in relation to the appropriation for furnishing the new Hospital for the Insane, and that the House agrees to Senate amendment, item 4, on the same subject, with the following amendment to said item 4: Strike out the words "forty thousand," and insert in lieu thereof the words "twenty-five thousand."

Second. That the House recede from its disagreement to item 6 of Senate amendments in relation to sewerage for Deaf and Dumb Institute.

Third. In relation to the appropriation of \$94,000 for completion of new Hospital for Insane; that the House recede from its disagreement to item 13 of Senate amendments, and that said item be amended as follows: Strike out the words "ninety-four thousand dollars" and insert in lieu thereof the words "forty thousand dollars," for the year 1879, and a like sum of forty thousand dollars for the year 1880.

Fourth. That the House recede from its disagreement to item 6 of Senate amendments in relation to the appropriation for Asylum for Feeble Minded Children.

Fifth. That the House recede from its disagreement to item 20 of Senate amendments in relation to clerk hire.

Sixth. That the Senate recede from its amendments 23 and 25 in relation to expense in contested election case.

Seventh. That the House recede from its disagreement to item 24 of Senate amendments in relation to pay for statutes furnished the Senate.

Eighth. That the Senate recede from its amendment item 14 in relation to purchase of State Fair grounds, and agree to House amendment thereto.

Ninth. That the House recede from its disagreement to item 15 of Senate amendment in relation to fencing at the Female Reformatory and that said item be amended by adding the following thereto: *Provided*, That said claim shall be paid upon the order of the Governor, Auditor and Secretary of State, if upon investigation by them it be found valid.

Tenth. That the House recede from its disagreement to item 22 of Senate amendments in relation to claim of Crane, Breed & Co..

Eleventh. That the Senate recede from its amendments items 17, 26, and 27 in relation to swamp land ditching, and recommend that the following section be added to the bill in lieu thereof:

Section —. That the following claims for swamp land ditching: Martin Smith, fifty dollars; Mathias Goar, fifty-nine dollars; Henry Goar, two hundred and fifty-five dollars; C. C. Pell, sixty-four dollars; Preston Escue, sixty dollars; Martin Kendall, forty-six dollars; A. J. Griffin, one hundred and twenty-nine dollars; James Cravens, sixteen hundred dollars; Caroline Hohman, executrix, two hundred and three dollars; J. Zachman, one hundred and fifty-three dollars; Patrick Kirland, one hundred and forty dollars, shall be and are hereby referred to the Governor, Auditor and Secretary of State, who shall examine into the validity of such claims, and shall be and are empowered to hear testimony, take evidence and administer oaths, send for persons and papers, and shall report the result of such examination to the next General Assembly.

And that House amendment to item 19 of Senate amendment to claim of R. C. Arnold be concurred in.

And that item "A" of House amendment be concurred in, which allows J. R. Shadburn as janitor of committee on prisons.

And further that House amendment to Senate amendment, item ten (10), be concurred in, in relation to the claim of Alfred Moody.



Also, add the following section:

Section —. An emergency exists, therefore this act shall take effect and be in force from and after its passage.

Which report was concurred in.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has amended and passed engrossed House bill No. 22, concerning exemption of property from sale on execution, and amended the title thereto.

Also, that the Senate has amended and passed engrossed House bill No. 264, an act to provide for the security and payment of laboring men and mechanics.

And said bills and the said Senate amendments engrossed are herewith returned to the House for its action thereon.

Engrossed Senate amendment to engrossed House bill No. 22 was read.

Mr. Connor offered the following amendment to Senate amendment to House bill No. 22, to-wit:

Add to section 1 the following: "And if such homestead shall be sold by the owner thereof the proceeds of such sale shall be exempt to the amount of \$700 for three months, and if the amount be invested in a homestead it shall be entitled to the same exemption as the original homestead. The provisions of the homestead exemption as herein provided shall not affect contracts or obligations existing at the date of the notice and record of such homestead exemption."

Which was adopted.

Mr. Overmyer offered the following amendment to Senate amendment to House bill No. 22, as follows:

First. On page 2, in line 7, strike out the words "not to exceed one-half acre" and insert in lieu thereof the words "a tract or parcel of land."

Second. Also strike out section 6 of the Senate amendment.

Which was adopted.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed engrossed House concurrent resolutions Nos. 36, 37, 38 and 39, and the same are herewith submitted to the House.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the conference committee on engrossed House bill No. 640, the specific appropriation bill, and said bill and amendments thereto, and said reports are herewith submitted to the House.

The Speaker reported that he had signed enrolled Senate act No. 118.

Mr. Faulkner demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

Mr. English moved that the House do now adjourn.

Which was not agreed to.

The question being on concurring in Senate amendments to engrossed House bill No. 640 as amended.

On motion to concur, Messrs. Works and Watson demanded the yeas and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Barker, Bearss, Brown of Jasper, Brown of Steuben, Campbell, Connor, Davidson, Donnell, Golden, Gordon, Hess, Hopkins, Hubbard, Kelly, Lindley, Major, March, Miers, Osborn of Vermillion, Overmyer, Owen, Reed, Robinson, Rodman, Skinner, Stevens, Taylor of Lagrange, Thompson, Tulley, Vawter and Watson—32.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Bryant, Caldwell, Carey, Carter, Confer, Copeland, Cunningham, Dailey, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hart, Herod, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Kirk-

patrick, Lehman, Messick, Mitchell, Nave, Osborn of Elkhart, Perry, Reichelderfer, Robeson, Rooker, Saint, Scholl, Schweitzer, Shauck, Shutt, Sleeth, Snoddy, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—57.

The amendment was not agreed to.

Mr. Faulkner entered the following protest :

MR. SPEAKER:

I hereby protest against the allowance made by this General Assembly for copies of the revised statutes for the use of the Senate, at the rate of twelve dollars per set, and desire that this protest shall be entered upon the House Journal.

C. R. FAULKNER,  
Ripley, Decatur and Rush.

Mr. Osborn moved that the committee on the investigation of the Auditor of State's office be discharged.

Which was agreed to.

On motion of Mr. Handy the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

---

## WEDNESDAY MORNING.

MARCH 26, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Garrouette, the further reading was dispensed with.

House Bill No. 699, introduced by Mr. Works, was read the second time and ordered engrossed.

House Bill No. 698 was read the second time and referred to a select committee, consisting of Messrs. Copeland, Herod and English.



House Bill No. 697 was read the second time and ordered engrossed.

Engrossed Senate Bill No. 427 was read the second time and passed to a third reading.

On motion of Mr. Connor, the Speaker appointed the following conference committee on House bill No. 22: Messrs. Connor and Dailey.

Mr. Faulkner offered the following resolution:

WHEREAS, The Senate at the regular session of the Fifty-first General Assembly purchased for the use of the members thereof copies of Davis' revision of the statutes of Indiana at the price of \$12 per set, and adopted a concurrent resolution authorizing the President of the Senate to draw his warrant for the amount of said purchase out of the money appropriated to defray the expenses of the General Assembly; and

WHEREAS, The House refused to adopt and concur in said resolution, and the Senate, upon being notified of such refusal, requested a conference on the matter of disagreement between the two Houses, which was granted and a conference committee appointed, which committee agreed upon a report in which, by way of compromise, the said statutes so purchased were to be paid for at the rate of \$8 per set, which said report of the conference committee was concurred in by the House; and

WHEREAS, The President of the Senate has not drawn his warrant for the said statutes as authorized under said conference report, or agreed upon by the House, and the Senate has amended the specific appropriation bill by providing for the pay of the said statutes so purchased by the Senate at the rate of \$12 per set, and upon the disagreement of the two houses upon the Senate amendments to the specific appropriation bill upon various matters, and a conference was asked for and has been held and said committee, by way of compromise, agreed to said Senate amendment, providing for the pay of said statutes under the contract price of \$12, and the House has concurred in the report of said committee; now, therefore,

*Resolved by the House of Representatives (the Senate concurring therein),* That the concurrent resolution adopted by the Senate at the regular session, providing for the payment of the said statutes, is of no force and effect, and that all authority to pay for said statutes under said concurrent resolution, or the action of this House on the report of the conference committee thereon, be and the same

is hereby rescinded and no money whatever shall be drawn for and on account of said statutes, except as provided in the specific appropriation bill, and that said statutes shall be delivered to the State Librarian, at the close of the present session, as state property.

Which was referred to the committee on the judiciary.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 59.

Also that the Senate has adopted Senate joint resolution No. 46.

Also Senate joint resolution No. 45.

Also Senate concurrent resolution No. 47.

To adjourn Saturday next.

And the same are herewith submitted to the House of Representatives for its action thereon.

Senate joint resolution, in reference to Morgan raid claims, was read.

Mr. Vawter moved the adoption of the resolution.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Connor, Copeland, Cunningham, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Golden, Handy, Hart, Herod, Hess, Hopkins, Humphreys, Huthsteiner, Kester, Lehman, Lindley, Major, March, Messick, Overmyer, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Schweitzer, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thompson, Vanpelt, Vawter, Watson, Willard, Wimmer and Works—62.

Those who voted in the negative were: Messrs. Baker, Confer, Dailey, Galbraith, Garrouette, Ginz, Hosmer, Johnston, Kirkpatrick, Osborn of Elkhart, Osborn of Vermillion, Scholl, Stucker, Taylor of Warrick, Tulley and Mr. Speaker—16.

The resolution was adopted.

The question being, shall the title as read stand as the title of the resolution?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Osborn, of Elkhart, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred engrossed Senate bill No. 195, have had the same under consideration, and recommend that the bill be amended as follows:

Insert at the end of section 1, the following, viz: *Provided*, If such owner is not the actual occupant of the premises sold, but the same be occupied by a tenant or other person, such tenant or other person shall be liable to the purchaser for the reasonable rent or use and occupation of the premises, and may be treated in all respects as the tenant of the purchaser, who shall, in case the property be redeemed, allow as a payment upon his judgment the amounts of the rents by him collected.

And further amend by inserting after the word "equal," in line 39 of section 3, the following, viz: "As to the right of redemption, but nothing herein contained shall be construed to change in any manner the priority of liens obtained or held by any of the creditors."

And when so amended that the bill do pass.

Which report was concurred in and the amendments ordered engrossed.

Engrossed Senate amendments to House bill No. 264 were read.

Mr. Osborn of Elkhart offered the following amendment:

Amend as follows: Insert after the word "dollars," in line 3 of paragraph 4, page one, the following: "To each employe."

Senate amendments as amended were concurred in.

Senate Joint Resolution No. 46, concerning the interest of Catharine Christian in certain real estate, was taken up.

Mr. Herod offered the following amendment, viz:

Amend by inserting after the word "resolved" the following: "By the General Assembly of the State of Indiana."

The question being on the adoption of the resolution as amended. The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Connor, Copeland,



Cunningham, Dailey, Davis, Donnell, Drover, Edwins, English, Fleming, Flodder, Galbraith, Ginz, Golden, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Messick, Nave, Osborn of Vermillion, Overmyer, Owen, Perry, Reichelderfer, Roberson, Robinson, Rodman, Schweitzer, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Wimmer and Works—68.

Those who voted in the negative were: Messrs. Briggs, Confer, Fancher, Faulkner, Garrouette, Humphreys, Mitchell, Osborn of Elkhart, Shields, Stucker, Tulley, Willard and Mr. Speaker—13.

The resolution was concurred in.

Mr. Herod offered the following amendment to the title of said resolution :

A Joint Resolution directing the Governor and Secretary of State to release to Catharine Christian all the interest of the State of Indiana in and to certain real estate.

Which was agreed to.

Senate concurrent resolution No. 47 in relation to the adjournment of the special session March 29, at 12 o'clock meridian.

The same was taken up.

Mr. Allen offered the following amendment, viz: Strike out Saturday, March 29, and insert Monday, March 31.

Mr. Wimmer moved that the further consideration of this resolution be postponed until 2 o'clock P. M. to-morrow.

Mr. Works demanded the previous question.

Which was seconded.

The question being upon the motion of Mr. Wimmer.

Messrs. Overmyer and Thornburg demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Baker, Blockley, Briggs, Brown of Jasper, Caldwell, Confer, Dailey, Davidson, Davis, Drake, Drover, Edwins, Faulkner, Flodder, Galbraith, Hart, Huthsteiner, Johnston, Kester, Major, Mitchell, Nave, Reichelderfer, Shauck, Shutt, Taylor of Warrick, Thompson, Vanpelt and Wimmer—30.

Those who voted in the negative were: Messrs. Alden, Arnold

of Wabash, Bearss, Brown of Steuben, Campbell, Carey, Carter, Connor, Copeland, Cunningham, Donnell, English, Fancher, Fleming, Garrouette, Ginz, Golden, Handy, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Kelly, Kirkpatrick, Lehman, Lindley, March, Messick, Osborn of Vermillion, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shields, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thayer, Thornburg, Tulley, VanValzah, Vawter, Watson, Willard, Works and Mr. Speaker—59.

The motion to postpone did not prevail.

Mr. Dailey offered the following amendment to the amendment:

*Provided*, That a fee and salary and the school-book bill shall have been passed.

On motion of Mr. Willard the amendment was laid on the table.

Mr. Willard demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the amendment of Mr. Allen.

Messrs. Overmyer and Golden demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Carey, Carter, Confer, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, Faulkner, Fleming, Flodder, Garrouette, Ginz, Handy, Hart, Humphreys, Huthsteiner, Johnston, Major, March, Mitchell, Nave, Perry, Reichelderfer, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Stevens, Stucker, Taylor of Daviess, Taylor of Warriek, Thompson, Vanpelt, Wimmer, Works and Mr. Speaker—49.

Those who voted in the negative were: Messrs. Alden, Brown of Steuben, Caldwell, Campbell, Connor, Copeland, Cunningham, English, Fancher, Galbraith, Golden, Herod, Hess, Hopkins, Hosmer, Hubbard, Kelly, Kirkpatrick, Lehman, Lindley, Messick, Osborn of Vermillion, Overmyer, Owen, Reed, Robeson, Robinson, Rodman, Rooker, Skinner, Sleeth, Snoddy, Taylor of Lagrange, Thayer, Thornburg, Tulley, VanValzah, Vawter, Watson and Willard—40.

The amendment of Mr. Allen was agreed to, and the resolution as amended was adopted.

Engrossed Senate Bill No. 214, having failed for want of a constitutional majority, was called up and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Carter, Confer, Dailey, Davidson, Davis, Drover, Edwins, Fancher, Flodder, Galbraith, Garrouette, Handy, Hart, Hubbard, Humphreys, Johnston, Kelly, Mitchell, Nave, Reichelderfer, Rooker, Schweitzer, Shauck, Shields, Shutt, Stucker, Vanpelt and Vawter—33.

Those who voted in the negative were: Messrs. Arnold of Wabash, Campbell, Carey, Copeland, Cunningham, Donnell, Faulkner, Herod, Hopkins, Huthsteiner, Kirkpatrick, Lehman, Major, Messick, Miers, Overmyer, Owen, Robeson, Robinson, Rodman, Scholl, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Thayer, Thornburg, Tulley, VanValzah, Watson, Willard, Works and Mr. Speaker—34.

The bill failed to pass.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills have examined enrolled act No. 59, House of Representatives, and compared the same with the engrossed bill of the same number and find the same correctly enrolled.

The Speaker informed the House that he had signed enrolled Senate act No. 57. Also enrolled House act No. 59.

Mr. Kester was granted leave of absence for the day.

Mr. Carter moved for a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess,



Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—86.

On motion of Mr. Faulkner the further proceedings under the call were dispensed with.

Mr. Shauck moved to reconsider the vote by which engrossed Senate bill No. 21 was indefinitely postponed.

Mr. Baker moved that the motion do lie on the table.

Messrs. Hess and Lehman demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Baker, Briggs, Carter, Dailey, Drake, English, Hosmer, Humphreys, Johnston, Lehman, Miers, Mitchell, Perry, Reed, Reichelderfer, Rooker, Saint, Scholl, Shields, Thompson, Vanpelt, VanValzah, Willard, Wimmer and Mr. Speaker—26.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Confer, Connor, Copeland, Cunningham, Davidson, Davis, Donnell, Drover, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Handy, Hart, Herod, Hess, Hopkins, Hubbard, Huthsteiner, Kelly, Kirkpatrick, Lindley, Major, Messick, Osborn of Elkhart, Overmyer, Owen, Robeson, Robinson, Rodman, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vawter, Watson and Works—55.

The motion to lay on the table did not prevail.

The motion of Mr. Shauck to reconsider was agreed to.

Mr. English moved to recommit the bill to a select committee of three with the following instruction: To amend as follows, viz: In section 1, line 7, after the word "thousand" insert the words "not more than fifteen thousand."

Mr. Works offered the following amendment to the amendment, viz: Amend by striking out all after the enacting clause and insert-

ing the following: That an act entitled an act to establish city courts in cities having a population of over six thousand inhabitants, defining their jurisdiction and the mode of procedure therein, be and the same is hereby repealed.

Mr. Overmyer moved that the amendment to the amendment do lie on the table.

Messrs. Willard and Tulley demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Brown of Steuben, Carey, Connor, Fancher, Golden, Herod, Hess, Hopkins, Kelly, Lindley, Osborn of Elkhart, Overmyer, Owen, Reichelderfer, Robinson, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Vawter and Wimmer—29.

Those who voted in the negative were: Messrs. Alden, Baker, Bearss, Briggs, Brown of Jasper, Caldwell, Campbell, Confer, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Galbraith, Garrouette, Ginz, Handy, Hart, Hubbard, Huthsteiner, Johnston, Lehman, Messick, Miers, Mitchell, Nave, Perry, Reed, Robeson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shields, Thompson, Tulley, Van Valzah, Watson, Willard, Works and Mr. Speaker—50.

The motion to lay on the table did not prevail.

The question being on the adoption of the amendment by Mr. Works.

Messrs. Stevens and Arnold of Wabash demanded the ayes and noes:

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Briggs, Caldwell, Confer, Copeland, Cunningham, Davis, Drake, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Handy, Hart, Humphreys, Huthsteiner, Johnston, Lehman, Major, March, Miers, Mitchell, Perry, Reed, Reichelderfer, Rooker, Scholl, Schweitzer, Shields, Stucker, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—41.

Those who voted in the negative were: Messrs. Arnold of Wabash, Bearss, Brown of Steuben, Carey, Donnell, Fancher, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Messick, Nave, Osborn of Elkhart, Overmyer, Owen, Robinson, Rodman,

Saint, Shauck, Shutt, Skinner, Sleeth, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vawter and Watson—33.

The amendment was not adopted for want of the necessary two-third vote.

Pending the consideration of Mr. English's amendment.

On motion of Mr. Reichelderfer, the House adjourned.

## AFTERNOON SESSION.

MARCH 26, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The consideration of the amendments of Mr. English to Senate bill No. 21 pending at adjournment, the same was resumed.

Mr. Tulley moved that the whole matter be postponed until April 3, 1879.

Which was agreed to.

Mr. Owen entered his motion to reconsider the vote just taken.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate bill No. 458.

Also that the Senate has passed engrossed House bill No. 414.

Also engrossed House bill No. 455.

Also engrossed House bill No. 642.

Also that the Senate has concurred in the engrossed House amendments to engrossed Senate amendments to engrossed House bill No. 264.

Also that the Senate has amended and passed engrossed House bill No. 20.

And said bills and engrossed amendments are herewith submitted to the House of Representatives.



Engrossed Senate Bill No. 458, entitled "An act to provide for a revision of the laws of the State of Indiana and the printing and binding thereof, and other matters connected with the subject matter."

Read the first time.

Mr. Osborn moved that the constitutional rule be suspended so that Senate bill No. 458 may be read the second time by title and the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Barker, Bearss, Blockley, Briggs, Brown of Steuben, Caldwell, Campbell, Carter, Confer, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Messick, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Schweitzer, Shauck, Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Wimmer, Works and Mr. Speaker—67.

Mr. English voting in the negative.

The rules were suspended.

Engrossed Senate Bill No. 458 was read the second time and passed to a third reading.

Engrossed Senate Bill No. 458 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carter, Connor, Copeland, Cunningham, Dailey, Dalton, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Fleming, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hopkins, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Messick, Miers, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Schweitzer, Shauck, Shutt, Skinner, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick,

Thayer, Thompson, VanValzah, Vawter, Willard, Works and Mr. Speaker—67.

Those who voted in the negative were: Messrs. Confer, Galbraith, Mitchell, Shields, Tulley and Vanpelt—6.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Works moved that the constitutional rule be suspended that engrossed House bill No. 699 may be read the third time and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Barker, Bearss, Blockley, Briggs, Brown of Steuben, Caldwell, Campbell, Carter, Confer, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Messick, Nave, Osborn of Elkhart, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Schweitzer, Shauck, Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Daviess, Taylor of LAGRANGE, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Wimmer, Works and Mr. Speaker—67.

Mr. English voting in the negative.

The constitutional rules were suspended.

Engrossed House Bill No. 699 was read the third time.

Mr. Sleeth moved that the bill be recommitted to a select committee of three, with instructions to report immediately.

Which was agreed to.

The Speaker appointed Messrs. Sleeth, Works and Taylor of Daviess as such committee.

Mr. Hubbard, from the select committee on House bill No. 570, submitted the following report:

MR. SPEAKER:

Your select committee, to whom was referred engrossed House bill No. 570, recommend that it be amended as follows:

Strike out all after the word "and," in line 11, section 2, on page 5 of the engrossed bill, to the word "but," in the fifteenth line of same page, and insert in lieu thereof these words: "In counties throughout this State that have agricultural societies, and in counties that have no agricultural societies but where they compose a part of some district agricultural society, that the money arising from any and all of the sources mentioned in section 1 of this act be paid over by the county treasurer of their respective counties to the county agricultural society, if any in the county; if not, then to the district agricultural society of which said county is a part: *Provided*, That counties that compose a part of more than one district agricultural society that said money so referred to as above shall be paid equally to said district agricultural societies: *Provided*, That nothing herein contained shall be so held or construed as to prevent towns and cities from collecting its fees for licenses which towns and cities are now or may be hereafter authorized by law to collect for like purposes."

And that after it be so amended we recommend that it do pass.

Mr. Shanks, from the select committee on House bill No. 570, submitted the following minority report:

MR. SPEAKER:

A part of your committee, to whom was referred House bill No. 570, recommend that said bill be amended as follows: After the word "performance," in the fourth line, on page 4 of the engrossed bill, insert these words: "To carry on the business of stock and exchange broker in buying and selling stock, bank notes, gold, silver, promissory notes or bills of exchange, whether by individuals or corporations, whether the persons or corporations so buying or selling for themselves, or as agents for any other person or corporation, one hundred dollars for one year." Strike out all after the word "and," in line 11, section 2, on page 5 of the bill, down to and including the word "but," in the fifteenth line of said page, and insert in lieu thereof the words: "That in counties throughout this State that have agricultural societies, and in counties that have no agricultural societies, but where they compose a part of some district agricultural society, that the money arising from any and all of the sources mentioned in section 1 of this act be paid over by the county treasurer of their respective counties to the county agricultural society, if any in the county, and if not then to the district agricultural society of which said county is a part, provided that



counties that compose a part of more than one district agricultural society, that said money so referred to as above shall be paid equally to said district agricultural societies; *Provided*, That not anything herein contained shall be so held or construed as to prevent towns and cities from collecting the fees for license, which towns and cities are now or may hereafter be authorized by law to collect for like purposes."

Also amend the title as follows: After the word "to" where it occurs first in the title to said bill No. 570, insert these words: "Brokers, ferry-keepers, billiard hall or saloon-keepers," and your committee would recommend that after said amendments have been made to said bill that it do pass.

Mr. Hubbard moved that the minority report do lie on the table.

On which motion Messrs. Overmyer and Tulley demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Wabash, Baker, Brown of Steuben, Confer, Copeland, Cunningham, Davidson, Davis, Donnell, Drake, Fleming, Galbraith, Garrouette, Ginz, Golden, Hopkins, Hubbard, Huthsteiner, Lehman, Messick, Nave, Overmyer, Owen, Robinson, Rodman, Skinner, Sleeth, Stevens, Taylor of Lagrange, Thornburg and Vawter—32.

Those who voted in the negative were: Messrs. Bearss, Briggs, Brown of Jasper, Bryant, Caldwell, Carter, Connor, Dailey, Drov-er, Faulkner, Flodder, Handy, Hart, Hess, Hosmer, Humphreys, Johnston, Kelly, Kirkpatrick, Major, March, Miers, Mitchell, Osborn of Elkhart, Perry, Reichelderfer, Schweitzer, Shauck, Shields, Shutt, Snoddy, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, VanValzah, Willard, Wimmer, Works and Mr. Speaker—43.

The motion was not agreed to.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed House amendments to Senate concurrent resolution No. 47, concerning the adjournment of the present session of the Legislature.

And I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bill No. 59, an act concerning appeals from boards of county commissioners, and the same is herewith returned to the House.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills have examined enrolled House acts Nos. 264, 642 and 455, and compared them with the engrossed bills of the same number and find them correctly enrolled.

The Speaker reported that he had signed enrolled acts Nos. 264, 455 and 642.

The question recurring on the minority report.

The same was concurred in and the bill as amended was ordered engrossed.

Mr. Sleeth, from the special committee, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 699, report that the same has been under consideration and have amended section 1 of the bill by adding the following, to-wit: And, providing further, the Attorney General shall not be entitled to any fees or commissions for moneys from the United States Government.

Which was concurred in and the amendments considered engrossed.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Carter, Confer, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Fleming, Flodder, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Major, Messick, Miers, Mitchell, Osborn of Elkhart, Owen, Perry, Reichelderfer, Robinson, Rodman, Schweitzer, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stev-

ens, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—77.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills have examined enrolled House act No. 414, and compared the same with the engrossed bill of the same number, and find the same correctly enrolled.

Mr. English moved that the rules be suspended that a select committee might report.

Which was not agreed to.

Mr. Allen moved that Senate bill No. 254 be taken from the table and referred to a special committee.

Which was agreed to.

The Speaker appointed Messrs. Allen, March and Osborn of Elkhart as such committee.

The Speaker reported that he had signed enrolled act No. 414.

Engrossed Senate amendments to engrossed House bill No. 20 were read.

Mr. Connor moved that the House concur in the amendments.

On which motion Messrs. Mitchell and Briggs demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Bearss, Campbell, Carey, Connor, Dailey, Davis, Donnell, English, Fleming, Golden, Herod, Hess, Hubbard, Johnston, Kelly, Kirkpatrick, Overmyer, Owen, Reed, Reichelderfer, Robinson, Rodman, Schweitzer, Skinner, Snoddy, Taylor of Lagrange, Thayer, Thornburg, VanValzah, Vawter, Watson and Willard—34.



Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Briggs, Caldwell, Carter, Confer, Copeland, Cunningham, Drake, Drover, Edwins, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Hopkins, Hosmer, Humphreys, Huthsteiner, Lehman, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Perry, Rooker, Shauck, Shields, Shutt, Stevens, Stucker, Taylor of Warrick, Thompson, Tulley, Vanpelt Wimmer and Mr. Speaker—47.

The Senate amendments were not concurred in.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 383.

Also engrossed House bill No. 368.

Also engrossed House bill No. 687.

Also engrossed House bill No. 82.

And the same, with said Senate engrossed amendments, are herewith returned to the House.

Engrossed House Bill No. 513 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Briggs, Caldwell, Carey, Carter, Confer, Connor, Dailey, Davidson, Davis, Donnell, Edwins, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Hart, Herod, Hopkins, Hubbard, Huthsteiner, Lehman, Lindley, Messick, Mitchell, Osborn of Elkhart, Owen, Perry, Reed, Reichelderfer, Robinson, Schweitzer, Shauck, Shields, Shutt, Skinner, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, VanValzah, Vawter, Watson, Willard and Works—52.

Those who voted in the negative were: Messrs. Baker, Blockley, Copeland, Cunningham, Drover, English, Fancher, Handy, Hosmer, Kelly, Nave, Rooker, Stevens, Taylor of Daviess, Wimmer and Mr. Speaker—16.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 56 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Blockley, Briggs, Caldwell, Campbell, Carey, Carter, Confer, Connor, Dailey, Davidson, Davis, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Ginz, Golden, Handy, Hart, Herod, Hopkins, Humphreys, Huthsteiner, Kelly, Lehman, Lindley, Major, Mitchell, Nave, Osborn of Elkhart, Overmyer, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Schweitzer, Shauck, Shields, Skinner, Sleeth, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Works and Mr. Speaker—62.

Those who voted in the negative were: Messrs. Brown of Steuben, Cunningham, Donnell, Garrouette, Hubbard and Stucker—6.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 195 was read the third time.

Mr. Sleeth submitted the following amendment to Senate Bill No. 195. "Amend by striking out the proviso to section 3."

Which was adopted and considered engrossed.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Herod, Hosmer, Huthsteiner, Johnston, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Osborn of Elkhart, Overmyer, Perry, Reed, Reichelder-

fer, Robinson, Rodman, Schweitzer, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, Van Valzah, Vawter, Watson, Wimmer, Works and Mr. Speaker—71.

Those who voted in the negative were: Messrs. Blockley, Hart, Kelly, Kirkpatrick and Willard—5.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 353 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Brown of Jasper, Brown of Steuben, Campbell, Carey, Carter, Connor, Copeland, Davidson, Davis, Donnell, Drover, Edwins, English, Garrouette, Handy, Hart, Herod, Hess, Johnston, Kelly, Major, March, Messick, Miers, Mitchell, Nave, Osborn of Elkhart, Owen, Perry, Reed, Rodman, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thornburg, Vawter, Watson and Mr. Speaker—49.

Those who voted in the negative were: Messrs. Baker, Blockley, Briggs, Bryant, Confer, Cunningham, Dailey, Fancher, Faulkner, Flodder, Galbraith, Ginz, Hosmer, Huthsteiner, Kirkpatrick, Lehman, Lindley, Reichelderfer, Thayer, Tulley, Van Valzah, Willard, Wimmer and Works—25.

The bill failed to pass for want of a constitutional majority..

Mr. Osborn of Elkhart, offered the following:

*Hon. Henry S. Cauthorn,*

*Speaker of the House of Representatives:*

SIR: Severe illness in my family as well as prior business engagements, render it absolutely impossible for me to attend the sessions of the House after this day. I have been in attendance every day of the session but one, and on that day I was too ill to leave.



my room. Unless leave of absence is now granted for the remainder of the special session, I shall be obliged to resign. This I dislike to do for the reason (and for the reason only), that in case an extra session should for any reason be called before the next regular General Assembly, the people who elected me would be compelled to incur the expense of a special election to fill the vacancy occasioned by my resignation. If this request is granted I hereby instruct the Speaker not to draw or sign any warrant for my per diem after this day, and anything that may become due me as such per diem or pay as a member of this House, I hereby cover back into the treasury and return the same thereto.

JAMES D. OSBORN,  
Of Elkhart and Noble.

Mr. Wimmer moved to strike out all of the communication of Mr. Osborn of Elkhart in relation to per diem, and that he be allowed to draw his pay up to the end of the session.

Which was agreed to.

And Mr. Osborn was granted indefinite leave of absence.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 132.

Also, engrossed House bill No. 271.

Also, engrossed House bill No. 583.

Also, engrossed House bill No. 179, and amended the title thereto.

Also, engrossed House bill No. 263, and amended the title thereto.

And said bills and Senate's amendments engrossed are herewith submitted to the House of Representatives.

And I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bills Nos. 264, 414, 455 and 642, and the same are herewith submitted to the House.

Also, that the Senate has amended and passed engrossed House bill No. 377, and the same with the Senate's engrossed amendments thereto are herewith submitted to the House.

Engrossed Senate amendments to the title of engrossed House bill No. 263, were read and concurred in.

Engrossed Senate amendment to the title of engrossed House bill No. 179 was read and concurred in.

Engrossed Senate amendments to engrossed House bill No. 377 were read and concurred in.

Engrossed House Bill No. 16 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Connor, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Golden, Handy, Hart, Hosmer, Humphreys, Major, Messick, Miers, Mitchell, Osborn of Elkhart, Overmyer, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shutt, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Wimmer and Works—56.

Those who voted in the negative were: Messrs. Confer, Copeland, Drake, Garrouette, Hess, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lindley, March, Reed, Reichelderfer, Robeson, Shauck, Sleeth, Stucker, Willard and Mr. Speaker—19.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has refused to recede from its amendments to House bill No. 20, "An act to provide for the establishment of a bureau of statistics," and request that a committee of conference be appointed to confer thereon, and that the President of the Senate has appointed, on the part of the Senate as members of such committee, Senators Comstock and Coffey.

Mr. Watson moved that a committee of conference on House bill No. 20 be appointed.

Which was agreed to.

The Speaker appointed Messrs. Watson and Briggs as such committee.

House Bill No. 700. Introduced by Mr. Watson, entitled "A bill for an act to ascertain the amount of fees and salaries of the Auditor of State, clerk of the supreme court, the clerk of each superior court, criminal court and circuit court in this State, of the sheriff of the supreme court, of the sheriffs of the various counties in this State, of county auditors, treasurers, and recorders and prosecuting attorneys of this State, and to provide punishment for the violation of its provisions."

Read the first time.

Mr. Davidson moved that when the House adjourn it be until 8 o'clock P. M., to-night.

Which was not agreed to.

The Speaker reported that he had signed enrolled House act No. 383.

On motion of Mr. Drake the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

THURSDAY MORNING.

MARCH 27, 1879.

The House met pursuant to adjournment with the Speaker in the chair.

The House was opened with prayer by the Rev. Mr. Handy, the member from Hancock.

The Journal of yesterday was read in part, when, on motion of Mr. Mitchell, the further reading thereof was dispensed with.

Mr. English, from the special committee on House bill No. 697, submitted the following majority report:



MR. SPEAKER:

Your committee, to whom was referred House bill No. 697, have considered the same, and a majority of your committee recommend the passage of said bill.

Mr. Copeland, from the same committee, submitted the following minority report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 697, beg leave to report that, having carefully examined said bill, find that the provisions of said act are such as this bill will require a license only of private vehicles and private banks in addition to what the present law now gives the city council power to exact a license fee from, and we do not believe this to be a just or proper tax, especially in regard to private banks of this city, as we believe it to be impossible for the municipal authorities of any city to levy and collect a tax upon banks doing business under the national banking law of the United States. And we further report that if insurance agents, real estate agents, coal dealers, and other professions and dealers therein named in said bill, are required to pay a special license fee, it would be nothing more than justice that all other professions, such as lawyers, physicians, ice dealers, dealers in brick or stone or lumber dealers, should also be required to pay a license.

Mr. Taylor of Daviess moved that the minority report do lie on the table.

Which motion prevailed and report laid on the table.

The majority report was, on motion, concurred in, and House bill No. 697 ordered engrossed.

Engrossed House Bill No. 693 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Steuben, Caldwell, Campbell, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Fleming, Galbraith, Garrouette, Ginz, Golden, Hart, Herod, Hess, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Messick,

Mitchell, Overmyer, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shutt, Skinner, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warriek, Thompson, Thornburg, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—71.

Those who voted in the negative were: Messrs. Brown of Jasper, Bryant, Humphreys and Tulley—4.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 229 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Faulkner, Fleming, Floder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warriek, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—80.

Those who voted in the affirmative were: Messrs. Brown of Steuben and Taylor of Lagrange—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 651 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Connaway, Connor, Cunningham, Dailey, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Messick, Miers, Mitchell, Nave, Overmyer, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—77.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 37 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hess, Hosmer, Hubbard, Huthsteiner, Kester, Kirkpatrick, Lehman, Major, Messick, Miers, Mitchell, Overmyer, Robeson, Robinson, Rodman, Rooker, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thompson, Tulley and Watson—54.

Those who voted in the negative were: Messrs. Briggs,



Bryant, Carey, Carter, Faulkner, Fleming, Golden, Humphreys, Lindley, Reichelderfer, Stucker, Vanpelt, Vawter, Willard, Wimmer and Mr. Speaker—16.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 694, have had the same under consideration and recommend its passage, and the bill is herewith returned to the House for its action.

Report concurred in and bill ordered engrossed.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred engrossed Senate bill No. 59, direct me to report the same back, recommending that it do pass.

Which was concurred in.

Mr. Allen, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House bill No. 465, entitled "An act to amend section 8 of an act prescribing certain powers and duties of county commissioners," etc., have had the same under consideration and direct me to report the bill back to the House, with the recommendation that it do pass.

Report concurred in and the bill ordered engrossed.

Engrossed House Bill No. 353, which failed for want of a constitutional majority, was called up and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey,

Carter, Confer, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hubbard, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Messick, Miers, Nave, Perry, Reed, Reichelderfer, Robeson, Robinson, Rooker, Scholl, Schweitzer, Shauck, Shutt, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Wimmer, Works and Mr. Speaker—71.

Those who voted in the negative were: Messrs. Cunningham and Hosmer—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

Mr. Works offered the following amendment to the title:

Amend the title to read as follows: An act providing that certain publications therein named shall be newspapers within the meaning of the law.

Which was adopted.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 381 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, Messick, Miers, Mitchell, Nave, Perry, Reed, Reichelderfer, Robeson, Robinson, Scholl, Schweitzer, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Vanpelt, VanValzah, Vawter, Willard, Wimmer, Works and Mr. Speaker—74.

Those who voted in the negative were: Messrs. Lindley and Rooker—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 417 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Brown of Steuben, Campbell, Carey, Confer, Connaway, Connor, Dailey, Donnell, Flodder, Garrouette, Golden, Hess, Hosmer, Hubbard, Huthsteiner, Kester, Kirkpatrick, Major, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Schweitzer, Shauck, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Thornburg, VanValzah, Vawter, Willard and Works—39.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Blockley, Briggs, Caldwell, Carter, Cunningham, Davidson, Davis, Drake, Drover, English, Faulkner, Fleming, Galbraith, Ginz, Handy, Hart, Herod, Humphreys, Johnston, Lehman, Lindley, Messick, Miers, Mitchell, Nave, Overmyer, Scholl, Shutt, Stucker, Taylor of Warrick, Tulley, Vanpelt and Mr. Speaker—37.

The bill failed to pass for want of a constitutional majority.

The Speaker informed the House that he had signed enrolled Senate acts Nos. 197, 458 and 56.

Also House enrolled acts Nos. 263, 377, 583, 82 and 640.

Engrossed House Bill No. 581 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Blockley, Briggs, Caldwell, Campbell, Carey, Confer, Connaway, Connor, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Faulkner, Galbraith,



Garrouette, Golden, Handy, Hart, Herod, Hess, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Overmyer, Perry, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Thompson, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—72.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following communication was received from C. A. Buskirk :

PRINCETON, IND., MARCH 27, 1879.

To Hon. C. R. Faulkner,

*Chairman Special Committee of House of Representatives :*

SIR: Last night I read the report of the committee in the Journal. As you are aware I have been unable to meet with the committee on account of the sickness of two little daughters and wife. So far as your report shows small discrepancies to exist in certain counties, I hope to be able to explain them away when I can personally examine the accounts; but your report, so far as it relates to me, seems devoted mainly to certain fees retained by my assistants and myself. On that subject the law being loosely and awkwardly drawn I took the opinion, in writing, of one of the best lawyers in the State, then Governor, and think such fees were retained in accordance with it. I desire that the question, if they hold I am liable for what was retained by assistants and myself, it would probably amount to more than my bond. My situation for paying is just this: I have mortgaged all I have to my sureties—hardly sufficient to indemnify. I have nothing else, having come back here poorer by about four thousand dollars than when I went to Indianapolis four years ago, but I then left a large practice worth over five thousand dollars a year, and so far, since my return, have had an equally good business, probably better.

If the courts decide I owe anything I am willing to devote the balance of my life to work to pay it off, to show that I did not wish

to steal anything from the State. It may be proper for me to add that while you will see I could have done so to large amounts, I actually had to borrow money to pay in part the freight on my household furniture to get back here. Do not understand me as finding fault with the committee, only I beg respectfully to dissent from its views of the law upon the subject of the fees of the assistants and myself.

Please submit this to the House.

Very respectfully,

C. A. BUSKIRK.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bill No. 377, an act to regulate the practice of medicine.

Also No. 583, an act to authorize towns and cities to light their streets with gas.

And the same are herewith returned to the House.

The Speaker informed the House that he had signed enrolled Senate act No. 381, and Senate joint resolution No. 45.

Mr. March, from the committee on conference on House bill No. 344, submitted the following report:

MR. SPEAKER:

Your committee on conference, to whom was referred House bill No. 344, with Senate and House amendments and disagreements thereto have conferred, and as the result of such conference have agreed to the following settlement of the differences between the two Houses, and respectfully ask that the action of the conference be concurred in.

Amend section 6 as follows: Strike out "fifteen hundred dollars" in line 8, and insert in lieu thereof "twelve hundred dollars."

Amend section 7: Strike out "one thousand," in line 1, and insert "twelve hundred" in lieu thereof.

Amend section 10 as follows: Strike out in line 1 the words "three thousand," and insert in lieu thereof the words "twenty-five hundred."

Amend section 11 as follows: Strike out in lines 1 and 2 the words "two thousand," and insert in lieu thereof the words "twenty-five hundred."

Amend section 12 as follows: Strike out in line 1 the words "one thousand" and insert in lieu thereof the words "twelve hundred."

Amend section 15 as follows: Strike out all after the word "own" in lines 21 and 22, and insert after "own" in twenty-first line the figures "50."

Amend section 16 as follows: Strike out the figures "10" in line 10, and insert in lieu thereof the figure "8."

Strike out the word "one" in line 15, and insert in lieu thereof the word "four."

Strike out the figures "10" after the word "words" in line 15, and insert in lieu thereof the figures "30."

Strike out all after the figures "25" in line 18, and insert in lieu thereof the following: "And when the number of words in such entry is less than three hundred words, for each entry, twenty-five cents. When the entry exceeds three hundred words, ten cents per one hundred words."

Strike out lines 24, 25, 26 and 27.

Add after the word "vouchers" in line 28 the words "and ballots."

Strike out figures "50" in line 43 and insert in lieu thereof the figures "25."

Strike out in line 47 all after the word "own" and insert "50 cents."

Strike out lines 48, 49, 55, 56 and 57.

Strike out the figures "25," in line 58, and insert in lieu thereof the figures "20."

Strike out lines 61 and 62.

Strike out in line 66 "\$2" and insert in lieu thereof "\$1.50."

Strike out in line 77 the figures "\$1," and insert in lieu thereof "\$2." (Docket fees.)

Add to section 16 the following: "For each certificate and seal, 50 cents."

Amend section 19 as follows: Add after the word "office," in line 7, the following: "And for attending the criminal and superior courts, per day, and entering the record of the court either in person or by deputy, the clerk shall receive \$2, to be allowed by the judge of said court and paid out of the county treasury."



Amend section 20 as follows: Strike out lines 6, 7, 8 and 9 and insert in lieu thereof the following: "For filing and entering of record report of executor or administrator, for each one hundred words, four figures counting as one word, 8 cents."

Strike out lines 32, 33 and 38.

Amend section 22 as follows: Strike out the word "thirteen," in line 1, and insert the word "twelve" in lieu thereof.

Strike out the word "thirteen," in line 8, and insert "twelve," in lieu thereof.

Amend section 23 as follows: Strike out in line 14 "50 cents," and insert in lieu thereof "25 cents."

Strike out all after the word "filed," in lines 26 and 27, and insert in lieu thereof the following: "And for filing each paper required by law to be filed, he shall receive 1 cent."

Strike out lines 8 and 9.

Strike out sections 26 and 27 and substitute the following:

Section 26. The sheriff of the several counties of the State shall tax and charge the following fees, and none other, to-wit:

For serving a writ in a criminal case and taking into custody, twenty-five cents.

For each mile necessarily traveled in going and returning to serve process, ten cents.

For taking bail in execution, twenty cents.

Taking recognizance, twenty cents.

Returning writ, ten cents.

For summoning a jury of twelve men, with mileage as above, seventy-five cents.

For summoning a jury of less than twelve men, ten cents for each juror served, with mileage as above.

For executing a writ of possession and mileage as above, fifty cents.

For every person committed to jail, twenty cents.

For discharging each prisoner from jail, twenty cents.

For holding an inquisition and drawing it up in form and returning the same, fifty cents.

For removing a person to the Insane Asylum, House of Refuge or Reformatory for Women and Girls, the same compensation as allowed for taking convicts to the State Prison, to be paid out of the county treasury.

For serving each person named in a summons or a subpoena, with mileage as above, such service must be made by the sheriff or deputy, and his return endorsed thereon, thirty-five cents.

And for each copy required, twenty-five cents.

Selling property on execution or decree, a commission of three per centum on the first three hundred dollars, and one and one-half per centum on any excess above that amount, but when the money is paid to him without sale, one-half of the above commission only shall be allowed and mileage as above.

Taking valuation of lands, twenty-five cents.

Taking replevin bonds, twenty-five cents.

Serving *capias ad satisfaciendum*, twenty-five cents.

Levying on property and advertising same, mileage as above, one dollar.

When no money is made no other fee or reward shall be allowed on execution, except for the expenses of keeping property and expenses incurred in removing and storing property.

Making certificate of sale on execution or decree, one dollar.

Making deed, one dollar.

Calling and empanelling a jury, five cents.

Serving a writ of attachment, when property is taken, with mileage as above, twenty cents.

For each day employed in making inventory and appraisement of property taken under writ of attachment, two dollars.

For docketing each cause on sheriff's docket, ten cents.

Returning same, twenty cents.

For the actual number of miles traveled in going and returning to post up notices for the sale of any real or personal property, to be taxed and collected as the other costs in the cause are taxed for each mile so traveled, ten cents.

For taking each convict to the State prison per mile, going and returning by the nearest route traveled, fifteen cents.

And for each additional convict taken at the same time the actual expenses of additional convict shall be paid out of the state treasury on certificate of the warden of the prison. The sheriff shall not be entitled to any fees for services performed by their bailiffs when such bailiffs are receiving pay by the day from the county at the time such services are rendered.

The sheriff shall appoint as many bailiffs at each term of the court as the business of the court and grand jury shall require, under the advice and consent of the judge of the court as to the number required.

The pay of court bailiff shall be one dollar and fifty cents per day.

In counties where there are criminal and superior courts the judges of said courts may appoint a bailiff, such bailiff's per diem not to exceed two dollars and fifty cents.

The pay of riding bailiffs shall be two dollars and fifty cents.

The fees taxed on any process served by bailiffs being paid by the county shall be collected and paid into the county treasury and shall belong to the county.

For boarding each prisoner lawfully in his charge per day, forty cents, to be paid out of the county treasury.

In criminal cases not provided for the like fees as for services in civil cases shall be allowed.

For collecting fee bills except for his own fees six per cent. on the amount collected.

All costs shall be collectable without any relief from valuation or appraisement laws of the State of Indiana.

For taking a prisoner to another county on any warrant issued by the clerk, the same compensation as allowed for taking a prisoner to the state prison, to be paid by the county requiring the service, to be allowed by the court.

For each commitment or discharge of a prisoner under the authority of any city or incorporated town, to be paid by such city or town, twenty cents.

Sec. 27. In all cases where the Sheriff shall perform any service for the county required by law to be performed by him, and there is no provision for its payment, the board of county commissioners shall allow and pay such sheriff the same compensation as is allowed by law for similar services, but the Sheriff shall make out an itemized statement of all such service performed for such county before such allowance is made, but such allowance shall not be made unless such statement shall be filed with the auditor ten days before the commissioners' court meets, and any citizens may resist the allowance of said account.

For attending court in person or by deputy, for each actual day's attendance, \$2.

Advertising growing out of any duty of any city, county or township officer, executor, administrators, guardians, trustees and assignees, except the printing of the delinquent tax list shall be by such officer charged up, collected and paid over to the printer, and when such printing is done for the county the board of county commissioners shall allow the same and pay it out of the county treasury according to the rate herein fixed, and the compensation for such printer for



such advertising shall be as herein set forth, to-wit: For each advertisement per square of two hundred and fifty ems, first insertion, \$1; for each additional insertion, 50 cents.

*Provided*, That the said advertisement shall be set in solid reading type of the same size as that in which the body of the ordinary business advertising in said paper is set, without any leads or other devices for increasing the space, except as hereinafter specified, and said advertisement shall be set up without more than two display lines to each advertisement, neither of which display lines shall occupy space greater than four solid lines of the ordinary reading type in which the body of said advertisement is set. And in case such officers shall be unable to procure such advertisement for the price fixed herein, it shall be sufficient for him to post up written or printed notices as the law requires, and such advertisement in a newspaper shall be dispensed with.

Insert the following section:

Sec. 29. The treasurer of each county shall be allowed the sum of eight hundred dollars per annum as such officer, and no more, and the same shall be allowed by the board of county commissioners in quarterly installments, at the regular sessions in March, June, September and December, paid out of any moneys in the treasury belonging to the county not otherwise appropriated.

Sec. 30. The county treasurers shall also charge and receive as a further compensation at the rate of one per centum on the first one hundred thousand dollars of taxes by them collected, and on all sums collected in excess thereof one-half of one per cent. They shall also receive and retain out of all delinquent taxes collected six per centum when paid voluntarily and without levy, and six per centum if paid after levy; and the treasurer shall be allowed the same fees and charges for making distress and sale of goods and chattels for the payment of taxes as may be allowed by law to constables for making levy and sale of property on executions. Treasurers shall, for their services in going to Indianapolis and returning by the nearest route by railroad, to make their semi-annual settlements with the state treasurer, receive from the state treasurer at the rate of ten cents per mile.

Sec. 31. The county commissioners' fees shall be as follows, to-wit:

For each day's attendance as member of the county board, or board of equalization, each commissioner shall receive three dollars and fifty cents.

Sec. 32. The per diem of township trustees shall be as follows, to-wit: For each actual day's service they shall be allowed, to be paid out of the township fund, two dollars: *Provided*, That for all services as overseer of the poor said township trustees shall be paid out of any funds in the county treasury not otherwise appropriated on the order of the board of county commissioners.

Sec. 33. Township assessors shall receive for each day's actual service the sum of two dollars.

Sec. 34. Fees of jurors in the circuit, superior and criminal courts of this State shall be per day while in actual attendance, one dollar and sixty cents.

For each mile necessarily traveled in going and returning, five cents.

For each day's attendance before a justice of the peace, seventy-five cents.

For each mile necessarily traveled, five cents.

Sec. 35. Constables' mileage.

For each mile necessarily traveled in going and returning to serve process and subpoena, ten cents.

Amend by changing numbers of sections of bills 29, 30, 31, 32, 33 and 34 to numbers 36, 37, 38, 39, 40 and 41.

The question being, will the House concur in the report submitted by the conference committee?

Mr. Humphreys moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

Messrs. Willard and Johnston demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Barker, Briggs, Campbell, Confer, Connor, Copeland, Dailey, Dalton, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hosmer, Hubbard, Humphreys, Huthsteiner, Kester, Lehman, March, Messick, Mitchell, Nave, Owen, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shutt, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Tulley, VanValzah and Mr. Speaker—54.

Those who voted in the negative were: Messrs. Allen, Arnóld of Wabash, Bearss, Blockley, Brown of Jasper, Brown of Steuben,

Bryant, Carey, Connaway, Cunningham, Fancher, Faulkner, Golden, Hess, Johnston, Kelly, Kirkpatrick, Lindley, Major, Miers, Overmyer, Perry, Reed, Robeson, Skinner, Snoddy, Thompson, Thornburg, Vanpelt, Vawter, Watson, Willard, Wimmer and Works—35.

The main question was ordered.

The question being, shall the report of the conference committee be concurred in?

The report was concurred in.

Engrossed Senate Bill No. 271 was read the third time.

Mr. Works moved that the bill do lie on the table.

Which motion prevailed and the bill laid on the table.

On motion of Mr. VanValzah, the House adjourned.

---

## AFTERNOON SESSION.

MARCH 27, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Engrossed Senate bill No. 374 with engrossed House amendments, were read.

Mr. Works moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Allen, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Confer, Connaway, Connor, Cunningham, Dailey, Davidson, Davis, Drake, Drover, Edwins, English, Fancher, Faulkner, Fleming, Garrouette, Ginz, Golden, Handy, Hart, Hess, Hosmer, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Works and Mr. Speaker—72.



On motion of Mr. Faulkner the further proceedings under the call were dispensed with.

The Speaker reported that he had signed enrolled House act No. 263.

The concurrent resolution introduced by Mr. Faulkner was adopted.

Engrossed Senate Bill No. 267 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Wabash, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Carey, Confer, Connaway, Connor, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Faulkner, Fleming, Flodder, Ginz, Golden, Hart, Herod, Hess, Hubbard, Humphreys, Kelly, Kester, Kirkpatrick, Lehman, March, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, Van Valzah, Vawter, Watson, Willard, Works and Mr. Speaker—67.

Those who voted in the negative were: Messrs. Baker, Cunningham and Hosmer—3.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Lehman moved that engrossed Senate bill No. 374 be recommitted to a select committee of three with instructions.

Mr. Edwins moved that the motion do lie on the table.

Which was agreed to.

Mr. Overmyer moved that the bill do lie on the table.

On which motion Messrs. Edwins and Overmyer demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Wabash, Baker, Bearss, Briggs, Brown of Jasper, Bryant, Caldwell, Carey, Confer, Connaway, Connor, Copeland, Davidson, Davis, Donnell, Drake, Fancher, Faulkner, Galbraith, Garrouette, Golden, Handy, Hopkins, Hubbard, Kester, Lehman, Lindley, March, Messick, Mitchell, Overmyer, Owen, Perry, Robeson, Scholl, Shanks, Skinner, Stevens, Taylor of Lagrange, Taylor of Warrick, Tulley, Vanpelt, Vawter, Watson and Willard—46.

Those who voted in the negative were: Messrs. Alden, Blockley, Brown of Steuben, Campbell, Cunningham, Dailey, Edwins, English, Flodder, Ginz, Hart, Hess, Hosmer, Humphreys, Johnston, Kelly, Nave, Robinson, Rodman, Rooker, Schweitzer, Shauck, Shields, Shutt, Sleeth, Snoddy, Stucker, Thompson, Thornburg, Works and Mr. Speaker—30.

The motion was agreed to.

Engrossed Senate Bill No. 331 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Confer, Connaway, Connor, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Garrouette, Ginz, Handy, Hart, Hess, Hopkins, Hosmer, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Mitchell, Nave, Overmyer, Owen, Perry, Robinson, Rodman, Rooker, Schweitzer, Shauck, Shields, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Works and Mr. Speaker—69.

Those who voted in the negative were: Messrs. Cunningham and Huthsteiner—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 160 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Confer, Connaway, Connor, Dailey, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Fleming, Flodder, Garrouette, Ginz, Golden, Handy, Hart, Hopkins, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shields, Shutt, Sleeth, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard and Mr. Speaker—71.

Those who voted in the negative were: Messrs. Faulkner, Hess, Nave, Shauck, Skinner, Stucker, Wimmer and Works—8.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills have examined enrolled House acts Nos. 132, 179, 271, 368, 623, 640 and 687 and compared the same with the engrossed bills of the same number and find the same correctly enrolled.

The Speaker reported that he had signed enrolled House acts No. 132, 687, 179, 271, 623 and 368.

Mr. Briggs, from the conference committee on engrossed House bill No. 20, submitted the following report:

MR. SPEAKER:

The committee of conference appointed upon engrossed House bill No. 20, and the Senate's amendments thereto, have considered



the same and have agreed upon the following report, and recommend the adoption of the same by the House:

First. The Senate recedes from its amendments to section 3.

Second. The Senate recedes from its amendments to section 4.

Third. That the House agrees to the Senate amendment to section 6 fully set forth as follows: Amend section 6 by striking out in lines 3 and 4, the words "one thousand five" and insert in lieu thereof the word "twelve."

Fourth. Strike out in line 6, same section, the words "three thousand" and insert in lieu thereof the word "twenty."

Fifth. And we recommend the following additional amendments: Add after the word "act," in line 27, section 6, the following: "*And provided further, That no greater expenditure of money or liability therefor shall be made or incurred by the chief of said bureau or his assistants than the sum herein appropriated for carrying into effect the provisions of this act.*"

Sixth. Strike out in lines 22 and 23, section 4, the words "to send for persons and papers."

Seventh. Strike out all in lines 30, 31, 32, 33 and 34, in section 4.

Which was concurred in.

Mr. Handy moved that the heirs of John P. Dunn be allowed to withdraw their claims.

Which was agreed to.

Engrossed Senate Bill No. 198 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Confer, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, English, Fancher, Fleming, Golden, Handy, Hart, Herod, Hopkins, Hosmer, Huthsteiner, Johnston, Kelly, Kester, Lehman, Lindley, Major, March, Mitchell, Nave, Owen, Reichelderfer, Rodman, Rooker, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Warlick, Thayer, Thornburg, Tulley, Vawter, Watson, Wimmer, Works and Mr. Speaker—64.

Those who voted in the negative were: Messrs. Bryant, Drake, Faulkner, Messick, Perry, Robinson, Scholl, VanValzah and Willard—9.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 59 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Wabash, Barker, Bearss, Briggs, Bryant, Caldwell, Campbell, Carey, Confer, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drover, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Johnston, Kelly, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Overmyer, Owen, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warriek, Thayer, Thornburg, Vawter, Watson and Works—63.

Those who voted in the negative were: Messrs. Alden, Brown of Jasper, Brown of Steuben, Cunningham, Drake, Edwins, English, Fancher, Faulkner, Fleming, Reichelderfer, Schweitzer, Vanpelt, Willard and Mr. Speaker—15.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 674 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Brown of

Steuben, Bryant, Caldwell, Carey, Confer, Davidson, Davis, Donnell, Drake, Drover, Edwins, Fancher, Fleming, Garrouette, Ginz, Handy, Hart, Herod, Hopkins, Hosmer, Huthsteiner, Kelly, Kester, Lindley, Major, March, Messick, Mitchell, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Willard and Wimmer—61.

Those who voted in the negative were: Messrs. Bearss, Connaway, Cunningham, Dailey, English, Faulkner, Hess, Johnston, Nave, Owen, Shanks, Taylor of Lagrange, Works and Mr. Speaker—14.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bill No. 687.

Also, enrolled House bill No. 383.

Also, enrolled House bill No. 640, and the same are herewith returned to the House.

Engrossed Senate Bill No. 432 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Bearss, Blockley, Briggs, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Dalton, Davidson, Davis, Donnell, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl,



Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—79.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bill No. 82.

Also No. 271.

Also No. 132.

Also No. 179.

Also No. 263.

And the same are herewith returned to the House.

Engrossed House Bill No. 698 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Bearss, Briggs, Caldwell, Confer, Connor, English, Golden, Herod, Kirkpatrick, Lehman, Lindley, Major, Miers, Mitchell, Perry, Reed, Robinson, Rodman, Shields and Vawter—20.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Baker, Barker, Brown of Steuben, Bryant, Campbell, Carey, Carter, Connaway, Dailey, Davidson, Davis, Donnell, Drake, Drover, Fancher, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Handy, Hart, Hess, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Messick, Nave, Overmyer, Owen, Reichelderfer, Robeson, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Watson, Willard, Wimmer and Mr. Speaker—59.

The bill failed to pass.

Engrossed House Bill No. 389 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Davidson, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Garrouette, Golden, Handy, Hart, Hess, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, March, Messick, Miers, Mitchell, Nave, Overmyer, Robeson, Robinson, Rodman, Rooker, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stevens, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, VanValzah, Vawter, Wimmer and Mr. Speaker—65.

Those who voted in the negative were: Messrs. Briggs, Dailey, Galbraith, Herod, Kester, Reichelderfer, Tulley and Willard—8.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed House Bill No. 624 was read the third time.

Mr. Works moved that the bill do lie on the table for the present.

Which was agreed to.

House Bill No. 701. Introduced by Mr. Johnston, entitled "A bill for an act fixing the per diem of the members of the General Assembly, and salaries of the judges of the several courts of this State."

Read the first time.

Mr. Dailey moved that the order of business be suspended, and that Senate bills be taken up.

Which was agreed to.

Mr. Works, from the committee on enrolled bills submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills have this day presented

enrolled acts Nos. 414, 455, 642, 264, 377, 583, 687 and 383, House of Representatives, to the Governor.

Engrossed Senate Bill No. 12 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Wabash, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davis, Donnell, Drover, Edwins, English, Flodder, Garrouette, Golden, Handy, Hart, Herod, Hubbard, Humphreys, Huthsteiner, Kelly, Kirkpatrick, Lehman, Lindley, Messick, Mitchell, Nave, Owen, Reed, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shields, Shutt, Sleeth, Taylor of Warrick, Thompson, Thornburg, Tulley, VanValzah, Watson, Works and Mr. Speaker—55.

Those who voted in the negative were: Messrs. Alden, Allen, Baker, Barker, Blockley, Drake, Faulkner, Galbraith, Ginz, Hess, Hosmer, Johnston, Kester, Major, March, Overmyer, Perry, Rooker, Shauck, Snoddy, Stucker, Taylor of Daviess, Taylor of Lagrange, Vanpelt, Vawter, Willard and Wimmer—27.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Connor, from the conference committee on engrossed House bill No. 22, submitted the following report:

**MR. SPEAKER:**

Your committee of conference on House bill No. 22 have had the matters of difference between the two houses under consideration and have not been able to come to a full agreement.

First. On the question of exemption irrespective of a homestead they were agreed that the law should be amended so as to increase the amount of property exempt from execution to the sum of five hundred dollars.



Second. On the question of providing a homestead, as fixed by the Senate amendments, the committee was not able to agree, Messrs. Connor and Harris favoring such amendments and Messrs. Tarlton and Dailey opposing the same. They therefore submit the matters of difference to the two houses for action thereon.

Mr. Overmyer moved that the report be received and the committee discharged.

Which was agreed to.

Mr. Shanks moved that another conference committee be appointed, and that the Senate be asked to appoint another committee.

Which was agreed to.

The Speaker appointed Messrs. Shanks and Humphreys as such committee.

Engrossed Senate Bill No. 353 was read the third time.

On motion of Mr. Faulkner the House adjourned.

(Approved.)

HENRY S. CAUTHORN.  
Speaker of the House of Representatives.

---

## FRIDAY MORNING.

MARCH 28, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by the Hon. M. Davis, the member from Boone.

The Journal of yesterday was read in part, when, on motion of Mr. Faulkner, the further reading was dispensed with.

Mr. Humphreys submitted the following resolution:

WHEREAS, The enrolling clerk left out of the enrolled bill No. 640—specific appropriation bill—"twenty-five thousand dollars" with which to furnish the new Insane Asylum; therefore

*Resolved*, That the Governor be and he is hereby requested to return to this House said House bill No. 640 for the purpose of having the said bill correctly enrolled.

Which was adopted.

The Speaker added Messrs. Dailey and Fancher to the committee on enrolled bills.

The consideration of Senate bill No. 353 pending at adjournment, was resumed.

The question being shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Bearss, Briggs, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Fancher, Ginz, Golden, Herod, Hess, Hopkins, Hubbard, Kelly, Kirkpatrick, Lindley, Major, Miers, Overmyer, Owen, Reichelderfer, Robeson, Robinson, Rodman, Schweitzer, Shields, Skinner, Sleeth, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thornburg and Watson—42.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Wabash, Blockley, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Cunningham, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Handy, Hart, Hosmer, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Messick, Mitchell, Perry, Rooker, Scholl, Shauck, Shutt, Stucker, Vanpelt, VanValzah, Willard, Wimmer and Mr. Speaker—37.

The bill failed to pass for the want of a constitutional majority.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bill No. 368. Also No. 623.

And I am directed by the President of the Senate to inform the House of Representatives that he has appointed on the part of the Senate as members of a committee of conference to confer upon House bill No. 22, Senators Grubbs and Fowler.

And said bills are herewith returned to the House.

House Bill No. 700 was read the second time and ordered engrossed.

House Bill No. 701 was read the second time and ordered engrossed.

House Bill No. 702. Introduced by Mr. Edwins, entitled "A bill for an act in relation to enrolling the acts of the General Assembly of the State of Indiana."

Read the first time.

Mr. Edwins moved that the constitutional rule be suspended that House bill No. 702 may be read the second time by title, considered engrossed, read the third time by sections and put upon its passage. The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Major, Miers, Mitchell, Perry, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Shields, Skinner, Stucker, Taylor of Warrick, Thayer, Vanpelt, Watson, Wimmer and Works—63.

Those who voted in the negative were: Messrs. Cunningham, Handy, Kester, Lindley, Messick, Overmyer, Reichelderfer, Shauck, Shutt, Thornburg, VanValzah, Vawter, Willard and Mr. Speaker—14.

The constitutional rule was not suspended.

Engrossed Senate Bill No. 16 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Confer, Connaway, Dailey, Davidson, Davis, Donnell, Drover, Edwins, Galbraith, Garrouette, Ginz, Hubbard, Kester, Lindley, Major, March, Perry, Reed, Reichelderfer, Robeson, Schweitzer, Shauck, Shields, Stucker, Taylor of Lagrange, Thayer, Thornburg, Vanpelt, VanValzah, Wimmer and Mr. Speaker—42.



Those who voted in the negative were: Messrs. Arnold of Wabash, Connor, Copeland, Drake, English, Fancher, Faulkner, Fleming, Flodder, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Huthsteiner, Kelly, Kirkpatrick, Messick, Overmyer, Robinson, Rodman, Rooker, Scholl, Shanks, Shutt, Taylor of Warrick, Thompson, Tulley, Vawter, Watson, Willard and Works—32.

The bill failed to pass for want of a constitutional majority.

Mr. Herod, from the committee on public buildings, submitted the following report:

MR. SPEAKER:

Your committee on public buildings, to whom was referred House bill No. 298, have had the same under consideration and beg leave to report that, in the judgment of said committee, said bill ought to be indefinitely postponed.

Report concurred in.

Engrossed Senate Bill No. 71, with engrossed House amendments, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen Arnold of Grant, Arnold of Wabash, Baker, Barker, Blockley, Briggs, Bryant, Caldwell, Campbell, Carey, Carter, Confer, Conna-way, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Kelly, Kester, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Rodman, Schweitzer, Shields, Shutt, Skinner, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, VanValzah, Vawter, Willard, Wimmer and Works—67.

Those who voted in the negative were: Messrs. Connor, Faulkner, Johnston, Kirkpatrick, Rooker, Scholl, Tulley, Vanpelt, Watson and Mr. Speaker—10.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted Senate joint resolution No. 48, concerning pay for gaslights, etc., and the same is herewith submitted to the House for its action thereon.

Senate Joint Resolution No. 48, concerning pay for gaslights, etc., was read.

On motion of Mr. Works the report and claim was referred to the committee on claims.

Engrossed Senate Bill No. 47 was read the third time and put upon its passage.

Mr. Kirkpatrick moved that the bill be indefinitely postponed.

Which was agreed to.

Engrossed Senate Bill No. 429 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Blockley, Briggs, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Edwins, English, Flodder, Galbraith, Golden, Handy, Herod, Hopkins, Hosmer, Hubbard, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shauck, Shutt, Skinner, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Vawter, Willard and Works—58.

Those who voted in the negative were: Messrs. Arnold of Grant, Bearss, Brown of Jasper, Bryant, Drake, Faulkner, Fleming, Galbraith, Ginz, Hart, Huthsteiner, Perry, Rooker, Taylor of Warrick, Wimmer and Mr. Speaker—16.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 55 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Edwins, English, Fancher, Fleming, Garrouette, Golden, Hart, Herod, Hess, Hosmer, Hubbard, Johnston, Kelly, Kirkpatrick, Major, March, Messick, Miers, Mitchell, Nave, Owen, Reed, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shields, Shutt, Skinner, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Vawter and Willard—60.

Those who voted in the negative were: Messrs. Bryant, Drake, Faulkner, Galbraith, Handy, Kester, Rooker, Stucker, Taylor of Warrick and Mr. Speaker—10.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 79 was read the third time.

Mr. Faulkner moved that the bill be indefinitely postponed.

Which was not agreed to.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Blockley, Campbell, Carey, Carter, Dailey, Donnell, Drovers, English, Fancher, Galbraith, Handy, Hart, Hopkins, Hubbard, March, Messick, Reed, Robeson, Robinson, Rodman, Schweitzer, Shauck, Shields, Shutt, Stevens, Vanpelt, VanValzah, Willard, Wimmer and Works—32.

Those who voted in the negative were: Messrs. Alden, Arnold of Wabash, Baker, Barker, Briggs, Brown of Jasper, Bryant, Caldwell, Confer, Connaway, Connor, Cunningham, Davidson, Davis, Drake, Faulkner, Flodder, Garrouette, Ginz, Golden, Hosmer, Huth-



steiner, Johnston, Kester, Kirkpatrick, Major, Miers, Mitchell, Nave, Overmyer, Perry, Rooker, Scholl, Skinner, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vawter, Watson and Mr. Speaker—42.

The bill failed to pass.

Engrossed Senate Bill No. 427 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connor, Dailey, Davidson, Donnell, Drake, Drover, English, Fancher, Faulkner, Garrouette, Golden, Hart, Herod, Hopkins, Humphreys, Huthsteiner, Johnston, Kester, Lehman, Major, March, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Stevens, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, Van Valzah, Vawter, Watson, Willard and Works—64.

Those who voted in the negative were: Messrs. Bryant, Cunningham, Galbraith, Handy, Hosmer, Messick, Skinner and Mr. Speaker—8.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 138 was read the third time, and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Dailey, Davidson, Davis, Donnell, Drake, Drover, Fleming, Galbraith, Garrouette, Ginz, Golden, Handy, Hart, Herod, Hess, Hosmer, Humphreys, Huthsteiner,

Johnston, Kelly, Kirkpatrick, Lehman, Major, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Shauck, Shields, Skinner, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Willard and Works—67.

Those who voted in the negative were: Messrs. Cunningham and Faulkner—2.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has amended and passed engrossed House bill No. 620, the school bill, and the same, with the Senate engrossed amendments thereto, is herewith returned to the House.

Also that the Senate has concurred in the report of the conference committee on House bill No. 344, the fee and salary bill.

Engrossed Senate amendments to engrossed House bill No. 620 were read.

Mr. Miers moved that Senate amendments to House bill No. 620 be referred to a select committee of three.

Which was agreed to.

The Speaker appointed Messrs. Miers, Overmyer and Works as such committee.

Mr. Davis submitted the following resolution:

WHEREAS, An article published in the Indianapolis Journal, of March 27th, charges twenty-five or thirty members of the Legislature with such indignity as to bring disgrace upon the General Assembly and State of Indiana, by participating in a shameful orgie in a disreputable hall on East Washington street; and

WHEREAS, The names of the participants are withheld from the public, thereby resting the odium equally and alike upon each member of the General Assembly; and

WHEREAS, This General Assembly has, by the appointment of committees and otherwise, investigated the records of State officers, that justice might be brought to the line and justice to the plummet; therefore,

*Resolved*, That the editor of the Journal be and is hereby requested to furnish to the public the name of each member of this General Assembly that participated in the disgraceful scenes at the Crone beer garden, that the innocent may be exonerated and the odium fall where it belongs.

Mr. Briggs moved that the resolution do lie on the table.

Mr. Willard moved that the subject be postponed until Monday, at 10 o'clock A. M., and be considered in the committee of the whole House.

Which was agreed to.

Engrossed House Bill No. 353 was called up and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Barker, Bearss, Blockley, Briggs, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, Fancher, Fleming, Flodder, Galbraith, Garrouette, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Mitchell, Nave, Owen, Perry, Reed, Reichelderfer, Robeson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shutt, Skinner, Snoddy, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Vawter, Watson, Willard and Wimmer—72.

Those who voted in the negative were: Messrs. Baker, Brown of Jasper, Faulkner, Stucker and Mr. Speaker—5.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.



House Bill No. 703. Introduced by Mr. Herod, entitled "A bill to amend section one of an act entitled an act touching foreign corporations, and providing that certain acts thereof shall work forfeitures, approved March 15, 1879."

Read the first time.

Mr. Vanpelt submitted the following resolution:

*Resolved by the House of Representatives (the Senate concurring therein),* That the Speaker be directed to draw his warrants in favor of the different persons named below for articles furnished the House and for services rendered, and that the several sums be paid out of the fund appropriated to pay and defray the expenses of the special session:

To Wm. Muecke, painting.....	\$2 00
To M. C. Staley & Co., soap, etc.....	6 70
To P. J. Reinhardt, locksmithing.....	2 75
To Samuel H. Wilson, washing towels .....	6 00

Which was referred to the committee on claims.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bills No. 467, relating to descents.

Also engrossed House bill No. 560, an act for the relief of John J. Justice.

Also engrossed House bill No. 549, an act relating to the speedy trial of causes.

Also engrossed House bill No. 608, an act for the relief of Aaron Combs.

Also engrossed House bill No. 589, an act concerning the indebtedness of Union township, Union county.

Also engrossed House bill No. 310, an act relating to service of warrants in criminal causes.

And said bills are herewith returned to the House.

On motion of Mr. Faulkner the House adjourned.

## AFTERNOON SESSION.

MARCH 28, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Shanks, from the conference committee on engrossed House bill No. 22, submitted the following report:

MR. SPEAKER:

Your committee of conference on House bill No. 22, on the subject of homestead and exemption, have had the matters of difference between the two houses under consideration and desire to make the following report:

That a marked difference of opinion existed among the members of the committee as to the matters submitted to them, Senator Fowler and Representatives Shanks and Humphreys favoring an exemption and Senator Grubbs a homestead law. That they reconciled the differences and arrived at the following agreement:

First. That the Senate recede from its amendments to House bill No. 22.

Second. That the House recede from its amendment to the Senate amendments.

Third. That House bill No. 22 be amended by striking out the words "one thousand" whenever they occur in said bill and inserting in lieu thereof the words "six hundred," making the amount of property exempted six hundred dollars instead of one thousand dollars, as originally proposed in said House bill.

Report concurred in.

Mr. Humphreys moved a call of the House.

The roll was called.

Those who answered to their names were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Confer, Connaway, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Ginz, Golden, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Hubbard, Humphreys, Huthsteiner, John-

ston, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Saint, Scholl, Schweitzer, Shanks, Shanck, Shields, Shutt, Skinner, Snoddy, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Thornburg, Tulley, Vanpelt, Vawter, Watson, Willard, Wimmer and Mr. Speaker—87.

Mr. Shutt moved that the further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Bearss moved that House Bill No. 570 be taken from the table.

Mr. Copeland moved that the motion do lie on the table.

Which was not agreed to.

The question recurring on Mr. Bearss' motion.

Which was not agreed to.

Mr. Overmyer submitted the following resolution:

*Resolved*, That no bills on their final passage, nor any resolution voting pay to any one will be acted upon in the House after 12 o'clock noon, on Saturday, March 29, 1879.

Mr. Lehman moved that the resolution be made the special order for to-morrow at 11 o'clock.

Which was agreed to.

The Speaker reported that he had signed enrolled House acts Nos. 560, 310 and 589.

Mr. Carter moved that Senate Bill No. 374 be taken from the table.

Mr. Lehman moved that the motion do lie on the table.

Which was agreed to.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the conference-committee on House bill No. 20, the board of statistics bill.

Mr. Hess moved that the vote by which the motion of Mr. Carter was laid on the table be reconsidered.

Mr. Lehman moved that the motion of Mr. Hess do lie on the table.



On which motion Messrs. Carter and Caldwell demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Barker, Bryant, Caldwell, Carey, Copeland, Davidson, Davis, Donnell, Faulkner, Flodder, Galbraith, Garrouette, Golden, Harland, Hopkins, Humphreys, Kelly, Kester, Lehman, Messick, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Shields, Skinner, Taylor of Lagrange, Tulley, Vanpelt, Vawter, Watson and Willard—38.

Those who voted in the negative were: Messrs. Bearss, Blockley, Brown of Steuben, Campbell, Carter, Confer, Cunningham, Drake, English, Fancher, Fleming, Ginz, Handy, Hart, Herod, Hess, Hosmer, Huthsteiner, Johnston, Kirkpatrick, Lindley, Major, March, Mitchell, Reed, Rodman, Rooker, Scholl, Shauck, Shutt, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Wimmer, Works and Mr. Speaker—39.

The motion did not prevail.

The question being upon the motion to take the bill from the table.

Messrs. Lehman and Carter demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Bearss, Blockley, Brown of Steuben, Bryant, Campbell, Carter, Confer, Cunningham, Davidson, Davis, Drake, English, Fleming, Hess, Hosmer, Huthsteiner, Johnston, Kirkpatrick, Lindley, Major, March, Messick, Mitchell, Nave, Reed, Rooker, Scholl, Shauck, Shutt, Sleeth, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Works and Mr. Speaker—39.

Those who voted in the negative were: Messrs. Arnold of Wabash, Baker, Barker, Briggs, Caldwell, Carey, Connaway, Copeland, Donnell, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Herod, Hopkins, Humphreys, Kelly, Kester, Lehman, Overmyer, Owen, Perry, Reichelderfer, Robeson, Robinson, Shanks, Shields, Skinner, Snoddy, Taylor of Lagrange, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard and Wimmer—42.

The motion did not prevail.

Mr. Johnston moved that the constitutional rule be suspended that engrossed House bill No. 701 may be read the third time and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Steuben, Campbell, Carey, Connor, Copeland, Dailey, Davidson, Davis, Drake, Drover, Faulkner, Handy, Harland, Herod, Hopkins, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Miers, Mitchell, Reed, Robeson, Robinson, Rodman, Rooker, Schweitzer, Shutt, Stucker, Taylor of Lagrange, Thayer, Vanpelt, Watson, Willard and Mr. Speaker—46.

Those who voted in the negative were: Messrs. Baker, Barker, Caldwell, Carter, Confer, Connaway, Cunningham, Donnell, English, Flodder, Galbraith, Garrouette, Ginz, Hart, Hess, Hosmer, Lehman, Messick, Nave, Overmyer, Perry, Reichelderfer, Scholl, Shauck, Shields, Skinner, Taylor of Warrick, Tulley, VanValzah, Vawter and Works—31.

The constitutional rule was not suspended.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills have this day presented to the Governor enrolled House acts Nos. 310, 368, 589, 560 and 623.

The joint committee on enrolled bills have examined enrolled Senate acts Nos. 59, 331 and 195 and find the same correctly enrolled.

The joint committee on enrolled bills have examined enrolled acts Nos. 467 and 549 and compared them with the engrossed bills of the same number and find them correctly enrolled.

The Speaker reported that he had signed enrolled Senate acts Nos. 195, 331 and 51, and House acts Nos. 549 and 467.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled bills Nos. 310, 560 and 589, and the same are herewith returned to the House.

Engrossed House Bill No. 10 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Baker, Barker, Blockley, Briggs, Bryant, Caldwell, Campbell, Carey, Confer, Connaway, Connor, Cunningham, Dailey, Davidson, Davis, Drake, Drover, Edwins, Faulkner, Flodder, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hopkins, Humphreys, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Overmyer, Perry, Reichelderfer, Robeson, Robinson, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Snoddy, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Vanpelt, Van Valzah, Vawter, Watson, Willard, Works and Mr. Speaker—70.

No one voting in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Herod moved that the constitutional rule be suspended, that House Bill No. 703 may be read the second time.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drover, English, Fleming, Garrouette, Handy, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Overmyer, Perry, Reichelderfer, Robeson, Robinson, Rooker, Scholl, Shanks, Shields, Shutt, Skinner, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Vanpelt, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—60.

Those who voted in the negative were: Messrs. Baker, Barker, Briggs, Confer, Cunningham, Faulkner, Flodder, Galbraith, Kester, Schweitzer, Shauck, Sleeth and Stucker—13.

The constitutional rule was not suspended.



Engrossed House Bill No. 564 was read the third time and put upon its passage.

The question being, shall the bill pass ?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carter, Confer, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drake, Drover, English, Fleming, Flodder, Garrouette, Handy, Harland, Hart, Herod, Hess, Hopkins, Hosmer, Humphreys, Huthsteiner, Kester, Kirkpatrick, Lehman, Lindley, Major, March, Messick, Mitchell, Nave, Overmyer, Perry, Reed, Reichelderfer, Roberson, Robinson, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thompson, VanValzah, Vawter, Watson, Willard, Works and Mr. Speaker—67.

Those who voted in the negative were: Messrs. Faulkner, Galbraith, Stucker and Wimmer—4.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act ?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 158, with the following amendments.

Also, engrossed House bill No. 477, with the following engrossed amendments thereto.

And the same are herewith submitted to the House.

Engrossed Senate amendments to engrossed House bill No. 158 were read.

Mr. March moved that the House do concur in the said amendments.

Mr. Wimmer demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

Messrs. Reed and Sleeth demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Blockley, Brown of Steuben, Bryant, Campbell, Carter, Connaway, Connor, Copeland, Dailey, Davis, Donnell, Drake, Drover, English, Fancher, Faulkner, Fleming, Flodder, Golden, Handy, Harland, Hart, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Johnston, Kelly, Kester, Kirkpatrick, Lindley, Major, March, Messick, Miers, Mitchell, Nave, Overmyer, Reed, Robinson, Rodman, Rooker, Saint, Schweitzer, Shauck, Shutt, Sleeth, Stevens, Stucker, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Vanpelt, Watson, Wimmer, Works and Mr. Speaker—62.

Those who voted in the negative were: Messrs. Barker, Briggs, Brown of Jasper, Caldwell, Carey, Confer, Cunningham, Davidson, Edwins, Galbraith, Garrouette, Herod, Humphreys, Owen, Perry, Reichelderfer, Robeson, Scholl, Shanks, Shields, Skinner, Thayer, Thompson, Tulley, VanValzah, Vawter and Willard—27.

The amendments were concurred in.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The committee on enrolled bills have examined enrolled act No. 608, House of Representatives, and find the same correctly enrolled.

The Speaker reported that he had signed enrolled Senate acts Nos. 12, 138, 267, 198, 353, 427, 432 and 55, and House acts Nos. 640 and 608.

Engrossed Senate amendments to engrossed House bill No. 477 were read and concurred in.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has reconsidered the vote by which it passed

engrossed House bill No. 640—the specific appropriation bill—and has amended and passed the same, and said bill, with the engrossed Senate amendments thereto, is herewith submitted to the House.

Engrossed Senate amendments to engrossed House bill No. 640 were read and, on motion, concurred in.

Engrossed House Bill No. 697 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Caldwell, Campbell, Carey, Confer, Copeland, Dailey, Davidson, Davis, Donnell, Drover, Edwins, English, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Hart, Hopkins, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Lehman, Lindley, Major, March, Mes-sick, Mitchell, Nave, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shauck, Shields, Shutt, Stevens, Stucker, Taylor of Warrick, Thayer, Thorn-burg, Vanpelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—70.

Mr. Carter voted in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Works, from the committee on enrolled bills, submitted the following report:

**MR. SPEAKER:**

The joint committee on enrolled bills have examined enrolled act 477, House of Representatives, and find the same correctly enrolled.

Engrossed House Bill No. 636 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.



Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Barker, Bearss, Brown of Steuben, Caldwell, Campbell, Carey, Copeland, Cunningham, Dailey, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Faulkner, Flodder, Galbraith, Garrouette, Golden, Harland, Hart, Herod, Hopkins, Humphreys, Johnston, Kelly, Kester, Kirkpatrick, Lehman, Lindley, Major, Messick, Miers, Mitchell, Overmyer, Owen, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Stevens, Stucker, Taylor of Lagrange, Thayer, Tulley, Van Valzah, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker—62.

Those who voted in the negative were: Messrs. Baker, Blockley, Bryant, Handy, Nave, Perry, Rooker and Vanpelt—8.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled House act No. 477.

Mr. Overmyer, from the select committee to whom was referred Senate amendments to House bill No. 620, submitted the following report:

MR. SPEAKER:

Your special committee, to whom the Senate amendments to engrossed House bills No. 620 were referred, have had the same under consideration and recommend that the following Senate amendments be concurred in, to-wit:

First. Senate amendment No. 1.

Second. Senate amendment No. 2, in so far as said amendment relates to and is included in the proposed section 31.

Third. Senate amendment No. 5.

Fourth. Senate amendment No. 7.

Fifth. Senate amendment No. 9.

Sixth. Senate amendment No. 10.

Seventh. Senate amendment No. 11.

We further recommend that the House refuse to concur in all the remainder of the Senate amendments, except those above men-

tioned; and that the Senate be respectfully requested to recede from all the amendments, except those above recommended to be concurred in.

We have considered the amendment to the Senate amendments offered by the gentleman from Marion, Mr. Connor, and deem it inexpedient at this stage of the bill to adopt said amendment.

All of which is respectfully submitted.

Which report was concurred in.

Engrossed House Bill No. 147, was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Confer, Connor, Cunningham, Dailey, Davidson, Davis, Donnell, Drake, Drover, Edwins, English, Fancher, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Herod, Hess, Hubbard, Humphreys, Huthsteiner, Kelly, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Nave, Overmyer, Owen, Perry, Reed, Reichelderfer, Robeson, Robinson, Rodman, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Taylor of Daviess, Taylor of Lagrange, Thayer, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—68.

No one voted in the negative.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Engrossed House Bill No. 420.

Also, Engrossed House Bill No. 32.

Also, Engrossed Senate Bill No. 91.

Also, Engrossed House Bill No. 527.

Also, Engrossed House Bill No. 621.

Also, Engrossed House Bill No. 286.

Also, Engrossed House Bill No. 192.

I am directed by the President of the Senate to inform the House of Representatives that he has signed Enrolled House Bill No. 608.

Also, Enrolled House Bill No. 640.

Also, Enrolled House Bill No. 594.

Also, Enrolled House Bill No. 467.

Also, Enrolled House Bill No. 477.

And said bills are herewith submitted to the House.

On motion of Mr. VanValzah the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## SATURDAY MORNING.

MARCH 29, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The House was opened with prayer by Mr. Hubbard, the member from Henry county.

The Journal of yesterday was read in part, when, on motion of Mr. Shutt, the further reading of the journal was dispensed with.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims have directed me to report to the House the following concurrent resolution, with the recommendation that it do pass.

The report was, on motion, concurred in.

The concurrent resolution of Mr. Vanpelt, presented on yesterday, was taken up.

On motion the same was concurred in.



The Speaker reported that he had signed enrolled House acts Nos. 158, 32, 192, 420 and 22.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred joint resolution No. 48, providing for the payment of eleven hundred and eighteen dollars to Marion county for fuel, light and labor necessary for the regular and special sessions of the General Assembly of the State of Indiana, have had the same under consideration and beg leave to report the same back to the House, with the recommendation that the sum of eight hundred dollars be allowed on said claim.

Mr. English moved that the report do lie on the table.

On which motion Messrs. Tulley and Mitchell demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Bearss, Brown of Steuben, Campbell, Connor, English, Handy, Harland, Herod, Hopkins, Hubbard, Kirkpatrick, Messick, Reed, Rodman, Snoddy and Thayer—16.

Those who voted in the negative were: Messrs. Alden, Allen, Arnold of Grant, Baker, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Carey, Carter, Confer, Connaway, Copeland, Cunningham, Dailey, Davidson, Davis, Donnell, Drover, Edwins, Faulkner, Flodder, Galbraith, Garrouette, Ginz, Golden, Hart, Hosmer, Johnston, Kelly, Lehman, Lindley, Major, March, Miers, Mitchell, Nave, Overmyer, Perry, Reichelderfer, Robinson, Rooker, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Stucker, Taylor of Lagrange, Taylor of Warrick, Thornburg, Tulley, Vanpelt, VanValzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—64.

The motion was not agreed to.

Thereupon on motion the report was concurred in.

Mr. Tulley moved to strike out \$1,118 and insert \$800.

Which was agreed to.

The joint resolution was then adopted.

Mr. March submitted the following resolution :

*Resolved by the House of Representatives,* That the evidence taken in the State House investigation shall be placed in the custody of the State House Commissioners for safe keeping, and to be used by said commissioners, when necessary, in the discharge of their duties..

Mr. Willard submitted the following amendment:

Amend by adding: But it shall be open at all times to the inspection of any citizen of the State of Indiana, and such citizens shall have the right to take copies therefrom.

Which was accepted, and the resolution as amended was adopted..

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from all its amendments, not concurred in by the House, to engrossed House bill No. 620, the school bill, and the same is herewith returned to the House.

Mr. Overmyer, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your committee on enrolled bills report that they have carefully compared enrolled House bill No. 20 with the engrossed bill and find the same correctly enrolled.

Mr. Works, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills have examined enrolled House acts Nos. 22, 32, 158, 192 and 420 and find them correctly enrolled.

The Speaker reported that he had signed enrolled House acts Nos. 20, 621, 586, and Senate acts Nos. 429, 37 and 71.

Mr. Connor offered the following joint resolution:

House Joint Resolution No. —, directing the Auditor of State to draw his warrant in certain cases upon the Treasurer.

*Be it resolved by the General Assembly of the State of Indiana,* That the Auditor of State be and is hereby directed to draw his warrant on the Treasurer of State monthly for the salary compensation of the chief of the bureau of statistics, and on certified ac-

counts and bills of said chief for all other expenditures in said department of statistics not exceeding the amount provided by law; said sums to be paid out of the funds appropriated for such compensation and expenditures by the act creating a state bureau of statistics and geology.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Briggs, Brown of Jasper, Brown of Steuben, Caldwell, Campbell, Carey, Connaway, Connor, Copeland, Cunningham, Dailey, Donnell, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Handy, Harland, Herod, Hess, Hopkins, Hubbard, Johnston, Kester, Kirkpatrick, Lehman, Major, March, Messick, Miers, Mitchell, Nave, Overmyer, Perry, Reed, Robeson, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Vawter, Watson, Willard, Works and Mr. Speaker—66.

Those who voted in the negative were: Messrs. Allen, Baker, Barker, Blockley, Carter, Confer, Davidson, Davis, Drake, Drover, Hart, Hosmer, Humphreys, Reichelderfer, Shields, Stucker, Tulley, VanValzah and Wimmer—19.

The resolution was adopted.

The question being, shall the title of the resolution as read stand as the title of the same?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Engrossed Senate Bill No. 91, entitled "An act to amend section 435 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this state, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852."

Read the first time.

Mr. Dailey, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was re-



ferred engrossed Senate bill No. 83, entitled, "An act to amend section 9 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their powers and duties in civil cases, approved June 9, 1852," have had the same under consideration and after having duly considered the same recommend that it be indefinitely postponed.

Which report was concurred in.

Engrossed House Bill No. 701 was read the third time.

Mr. English moved that the bill be recommitted to a select committee of three, with instructions to strike out all in reference to judges.

Mr. Willard moved that the motion do lie on the table.

Messrs. Allen and Willard demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Bearss, Blockley, Briggs, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Confer, Davidson, Davis, Drake, Drover, Faulkner, Golden, Hart, Hosmer, Humphreys, Johnston, Kelly, Kirkpatrick, Lehman, Lindley, Major, March, Miers, Mitchell, Rooker, Schweitzer, Shutt, Snoddy, Stucker, Tulley, Vanpelt, VanValzah, Willard, Wimmer and Mr. Speaker—39.

Those who voted in the negative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Barker, Carter, Connoway, Cunningham, Donnell, English, Fancher, Galbraith, Ginz, Handy, Herod, Hopkins, Hubbard, Messick, Nave, Overmyer, Owen, Reed, Robinson, Rodman, Saint, Scholl, Shauck, Shields, Skinner, Sleeth, Stevens, Taylor of Daviess, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Vawter and Watson—37.

The motion was agreed to.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Bearss, Blockley, Briggs, Campbell, Carey, Confer, Davidson, Drake, Drover, Edwins, Faulkner, Handy, Hart, Humphreys, Huthsteiner, Johnston, Kirkpatrick, Major, March, Miers, Mitchell, Rodman, Rooker, Saint, Shanks, Shauck, Shutt, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Vanpelt, Willard and Wimmer—40.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Baker, Barker, Brown of Steuben, Bryant, Caldwell, Carter, Connaway, Connor, Donnell, English, Fleming, Flodder, Garrouette, Golden, Harland, Herod, Hopkins, Hosmer, Hubbard, Kester, Lehman, Lindley, Messick, Nave, Overmyer, Owen, Perry, Reed, Reichelderfer, Scholl, Schweitzer, Shields, Skinner, Sleeth, Snoddy, Stevens, Taylor of Daviess, Thompson, Tulley, VanValzah, Vawter, Watson and Mr. Speaker—46.

The bill failed to pass.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate bill No. 147, an act relating to petroleum.

Also, engrossed House bill No. 290, an act concerning the running at large of stock.

Also, engrossed House bill No. 630, an act concerning claims before county commissioners.

Also, engrossed House bill No. 105, an act concerning the practice of dentistry.

Also, engrossed House bill No. 460, an act relating to the vacation of streets.

Also, engrossed Senate bill No. 261, an act relating to county auditors, and said bills are herewith submitted to the House.

Mr. Fancher, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your committee on enrolled bills beg leave to report that they have examined House bill No. 290 and find the same correctly enrolled.

Engrossed Senate Bill No. 147, entitled "An act to provide for the inspection of mineral or petroleum oils for illuminating purposes; to regulate the sale of the same; to provide for the appointment of inspector and deputy inspectors, and prescribing penalties for violating any of the provisions of this act, and to repeal all laws in conflict with the same."

Read the first time.

Mr. Fancher, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your committee on enrolled bills, to whom was referred House bill No. 476 beg leave to report that they have examined the same and find the same correctly enrolled.

Engrossed Senate bill No. 261, entitled "An act to amend section 2 of an act entitled an act in relation to county auditors, approved May 31, 1852, and declaring an emergency."

Read the first time.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 397, an act relating to highways.

Also engrossed House bill No. 412, an act to amend section 397 of the code.

Also that the Senate has amended and passed engrossed House bill No. 683, concerning the publication of laws.

Also engrossed House bill No. 89, an act touching contempts of court.

Also engrossed House bill No. 476, an act to punish embezzlement of railroad tickets.

And said bills are herewith returned to the House.

Also, I am directed by the President of the Senate to inform the House that he has signed enrolled House bills Nos. 20, 621, 286, 420, 158, 192, 32 and 22, and the same are herewith returned to the House.

Engrossed Senate amendments to engrossed House bill No. 684 were concurred in.

The following message was received from the Governor:

*Gentlemen of the House of Representatives:*

I respectfully return House bill No. 377, entitled "An act to regulate the practice of medicine, midwifery and surgery, and to provide penalties for violating the same," without my signature. It is proposed to grant permission to practice medicine, midwifery and



surgery to three classes of persons only, and to them upon condition that they obtain from the clerk of the circuit court of their respective counties a certificate in the form prescribed in section 9.

The first class is composed of all persons who shall have obtained a diploma from a legally chartered medical college. By necessary implication the requirements of the first section are applicable only to colleges within this State, and graduates of a college without the State can not be included in the class.

The second class is composed of all persons who shall have graduated in some legally chartered medical college, by virtue of having practiced for the last preceding five years within this State, and in addition thereto attended one full course of lectures of sixteen weeks.

The third class composed of all persons who shall have practiced for the last preceding ten years consecutively within this State. To obtain the prescribed certificate a member of the first or second class must present his diploma and by his own oath identify himself as the person mentioned therein, and that it has been properly and legally obtained. To obtain the same certificate a member of the third class must by his own oath, and that of two reputable witnesses, prove that he has practiced the required period in this State. It may be presumed that the proof is to be made to the satisfaction of the clerk from the fact that he alone may issue the certificate. The power to determine must imply authority to refuse in his discretion, when not satisfied. He thus becomes a judge of the qualifications of persons held in high esteem many years before this arbitrary power was placed in his hands. Any clerk who should issue a certificate to any person without his compliance with the requirements of the act, would be liable to conviction, fine and imprisonment. Any person making a false oath to obtain a certificate would be subject to the pains and penalties of perjury. Any person practicing or attempting to practice either of the three arts, medicine, midwifery or surgery, in violation of the provisions of this act, would be liable to conviction of a misdemeanor, imprisonment in the county jail for not less than six or more than twelve months, and a fine of not less than twenty-five nor more than five hundred dollars, in the discretion of the court.

Section 13, which is the last, declares that an emergency exists for the immediate taking effect of the act and proposes to put its provisions, including the sections 12, 11 and 10, fixing penalties for the violation of its provisions, into immediate effect. So long as

every person within the State is bound to know the statutes which you enact, both civil and criminal, I shall be unwilling to consent to placing any one in the attitude of a violation of law and defendant to indictment until he shall have had opportunity to learn their provisions by use of the means printed by the constitution for their publication and circulation in the several counties of the State by authority, knowledge or opportunity to obtain knowledge of the provisions of every penal statute and certain language that might occasion fruitless and vexatious prosecutions. I object to the bill because of its emergency clause. The definition in section 10 of the offence committed by a person violating any of the provisions of the proposed act is exceedingly vague and uncertain, and must be gained by an examination of the five sections first analyzed. A careful reading of these sections will disclose none but permissive terms. A member of either of these classes described may, if he desire, obtain a certificate by complying with the provisions applicable to his peculiar case and paying the fee allowed to the clerk thereof. It is a clear requirement to do so contained in any language known to the criminal law. Is any person attempting to practice one, two or all of the arts required, first to obtain such certificate? If so, I object to the requirement.

Section 6 proposes that clerks of the circuit courts be required to keep a register of all persons complying with the provisions of this act.

It does not specify who shall require this duty of the clerk nor how it shall be enforced, nor impose a penalty for his failure to do so nor provide for the expense incident thereto, nor make the register of any legal effect, nor declare its contents evidence of anything or in any proceeding in any court. In our constitution we declare that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness; we declare that the General Assembly shall not grant to any citizen or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens. If the proposed act would have the effect to limit its privileges to male citizens to the exclusion of females, it should not, in my opinion, become a law. If it could limit its provisions so that a person competent to practice one of the arts would be refused a certificate because unskilled in all, or not desirous to practice all, I object to it. If, as a consequence, it would prohibit such persons from practicing their chosen art, I object to it the



more. If members of the first class alone, out of graduates by a full course in a college in this State may, and graduates outside the State may not, commence a practice, I object to it. If the conditions precedent to the issuance of a certificate are absolute, I object to that requirement because an examination and a diploma may not be possible in many cases, and no one is required to afford them.

If the bill, as a law, would prohibit any person who has not practiced the three arts for the full term of five years and graduated from a college within the State from practicing his profession, I object to it. Under such enactment a person of the highest skill and professional standing might not be allowed to practice until after a second graduation, or five years' practice and graduation, unless he had completed his full term of five years' practice in the State before the act had taken effect. If it would prohibit from the practice every person who has not practiced for the last preceding ten years in this State and has not graduated, I object to it becoming a law. Many of the most skillful persons in the profession might be excluded because they have not completed the required period of practice and may not enforce an examination by five members of their school of practice and the issuance of a diploma upon which to obtain a certificate. That a person must receive authority to practice all the arts named in order to practice one would impose a disability upon an estimable and honorable, however humble, class of our female citizens. Motives of humanity join our experience of the peculiar nature of their practice in condemning so unjust a discrimination.

Why should a law be passed to imprison any person for attempting to practice or for practicing medicine, midwifery or surgery, when called upon? Should any person be fined or imprisoned for attempting to administer to the afflicted and those in distress? Are our courts ready to sentence one of the mothers in Israel to the county jail, for a term of six months, because engaged in practicing her art in a poor family that is unable to employ a regular physician, or that may live remote from the residence of one who has been able to secure a certificate? Had such a law as this now proposed been in force in the days when the good Samaritan administered to the poor man, who fell among thieves and robbers, when he poured oil and wine into his wounds and placed him on his own beast and took him to the inn, he too would have been liable to be imprisoned and fined for those acts of neighborly kindness which have been a lesson to mankind to this day.



Recent developments brought about by your investigating committee admonish you to yield to woman so far as may be the care and medical attendance of members of her own sex. The effect of such a law upon many a worthy woman practicing her humble but honorable profession, and perhaps in her widowhood gaining a support for herself and dependent family, will alone justify your reconsideration of the bill.

I regret that my sense of duty requires this communication. It will, however, give greater satisfaction to both yourselves and me if the bill returned shall become a law by your deliberate reconsideration and vote upon it notwithstanding these objections.

JAMES D. WILLIAMS.

Governor's Office, March 29, 1879.

The question being, shall the bill pass over the Governor's veto?

Mr. Faulkner moved the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Briggs, Caldwell, Connor, Copeland, Dailey, Davidson, Donnell, Drake, Edwins, English, Fancher, Herod, Hess, Humphreys, Huthsteiner, Kirkpatrick, Lehman, Messick, Miers, Nave, Owen, Reed, Reichelderfer, Scholl, Schweitzer, Shanks, Skinner, Stevens, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vanpelt, VanValzah, Willard, Wimmer and Works—45.

Those who voted in the negative were: Messrs. Allen, Brown of Jasper, Brown of Steuben, Bryant, Campbell, Carey, Confer, Connaway, Cunningham, Davis, Drover, Faulkner, Galbraith, Garroute, Ginz, Handy, Harland, Hart, Hosmer, Hubbard, Johnston, Kester, Lindley, Major, Mitchell, Overmyer, Rodman, Shauck, Shields, Shutt, Sleeth, Snoddy, Stucker, Taylor of Warrick, Tulley, Vawter, Watson and Mr. Speaker—38.

The bill failed to pass for want of a constitutional majority.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate has passed engrossed House bill No. 585, an act concerning the public square of the town of Fremont.

Also, I am directed by the President of the Senate to inform the House that he has signed enrolled House bills Nos. 290 and 476, and said bills are herewith returned to the House.

The Speaker reported that he had signed enrolled House bills Nos. 476, 630, 105 and 412.

Engrossed Senate amendments to engrossed House bill No. 89 were read, and, on motion, the same were concurred in.

The following communication was received from the Alumni Association :

BLOOMINGTON, IND., MARCH 19, 1879.

*To the Speaker and Members of the House of Representatives:*

GENTS: In behalf of Alumni Association of the State University and the citizens of Bloomington, we invite you to visit our place to witness the exercises of the approaching semi-centennial commencement, June 9th, 10th and 11th, during which we tender the hospitalities of the city. Hoping that yourself, and members of the House over which you preside, composed of representative men of the State, may be able to avail themselves of the opportunity to learn more about the University and its facilities for furnishing a thorough education to the young men of the State, we are,

Most respectfully,

Your obedient servants,

JAMES G. MCPHEETERS,

ROBERT C. FOSTER,

LEWIS BOLLMAN.

Engrossed House Bill No. 319 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Baker, Bearss, Blockley, Brown of Jasper, Campbell, Carter, Connaway, Connor, Copeland, Donnell, Drover, Edwins, English, Fancher, Fleming, Ginz, Golden, Handy, Harland, Hart, Herod, Hopkins, Hubbard, Huthsteiner, Johnston, Kester, Kirkpatrick, Lindley, March, Messick, Miers, Overmyer,

Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Scholl, Schweitzer, Shields, Skinner, Sleeth, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thayer, Thompson, Thornburg, Tulley, Vanpelt, Vawter, Watson and Willard—57.

Those who voted in the negative were: Messrs. Bryant, Caldwell, Confer, Cunningham, Davis, Drake, Faulkner, Flodder, Galbraith, Garrouette, Hosmer, Humphreys, Lehman, Rooker, Shanks, Shauck, Shutt, Stucker, Wimmer and Mr. Speaker—20.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

· It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

Mr. Fancher, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your committee on enrolled bills, to whom was referred House bills Nos. 683 and 585, beg leave to report that they have compared the same with the engrossed bills and find the same correctly enrolled.

Mr. Overmyer moved that the constitutional rule be suspended so that engrossed Senate bill No. 147 may be read the second time by title and the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Connaway, Connor, Copeland, Davidson, Davis, Donnell, Drake, Edwins, English, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Kester, Kirkpatrick, Lehman, Messick, Miers, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, VanValzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—69.

Those who voted in the negative were: Messrs. Arnold of Wa-



Wabash, Carter, Confer, Cunningham, Drover, Fancher, Faulkner, Humphreys, Johnston, Lindley and Vanpelt—11.

The constitutional rule was suspended.

Engrossed Senate Bill No. 147 was read the second time and passed to a third reading.

Engrossed Senate Bill No. 147 was read the third time and put upon its passage.

The question being, shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Barker, Bearss, Blockley, Brown of Jasper, Campbell, Connaway, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Edwins, English, Fleming, Flodder, Galbraith, Ginz, Golden, Gordon, Harland, Hart, Herod, Hopkins, Hosmer, Hubbard, Johnston, Kester, Lehman, Major, March, Messick, Nave, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Schweitzer, Shanks, Shauck, Shutt, Skinner, Sleeth, Snoddy, Stevens, Taylor of Lagrange, Taylor of Warrick, Thompson, Thornburg, VanValzah, Vawter, Watson and Wimmer—58.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bryant, Caldwell, Carey, Carter, Confer, Cunningham, Drover, Fancher, Faulkner, Garrouette, Handy, Hess, Humphreys, Huthsteiner, Mitchell, Rooker, Scholl, Shields, Stucker, Tulley, Vanpelt, Willard, Works and Mr. Speaker—26.

The bill passed.

The question being, shall the title of the bill as read stand as the title of the act?

It was so ordered.

The Principal Clerk was directed to inform the Senate thereof.

The Speaker reported that he had signed enrolled House acts Nos. 412, 585, 683, 460 and 344.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bill No. 105, concerning the practice of dentistry.

Also enrolled House bill No. 630, an act concerning claims against counties.

Also enrolled House bill No. 397, an act concerning highways.

And said bills are herewith returned to the House.

Mr. Fancher, from the committee on enrolled bills, submitted the following report:

**MR. SPEAKER:**

Your committee on enrolled bill No. 412, of the House, beg leave to report that they have examined the same and find it correctly enrolled.

Mr. Overmyer moved that the constitutional rule be suspended so that engrossed Senate bill No. 91 may be read the second time by title, the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Connaway, Connor, Copeland, Davidson, Davis, Donnell, Drake, Edwins, English, Flodder, Galbraith, Garrouette, Ginz, Golden, Gordon, Handy, Harland, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Kester, Kirkpatrick, Lehman, Messick, Miers, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, VanValzah, Vawter, Watson, Willard, Wimmer and Mr. Speaker—69.

Those who voted in the negative were: Messrs. Arnold of Wabash, Carter, Confer, Cunningham, Drover, Fancher, Faulkner, Humphreys, Johnston, Lindley and Vanpelt—11.

The constitutional rule was suspended.

Engrossed Senate Bill No. 91 was read the second time.

Engrossed Senate Bill No. 91 was read the third time and put upon its passage.

On motion of Mr. Sleeth the bill was laid on the table.

Mr. Works, from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**

The joint committee on enrolled bills have examined enrolled

acts Nos. 192, 32, 420, 158, 22, 621 and 344 and find them correctly enrolled.

Mr. Overmyer moved that the constitutional rule be suspended so that engrossed Senate bill No. 261 may be read the second time by title, the third time by sections and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Barker, Bearss, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Campbell, Carey, Connaway, Connor, Copeland, Davidson, Davis, Donnell, Drake, Edwins, English, Flodder, Galbraith, Garrouette, Ginz, Gordon, Handy, Harland, Hart, Herod, Hopkins, Hosmer, Hubbard, Huthsteiner, Kester, Kirkpatrick, Lehman, Messick, Miers, Overmyer, Owen, Perry, Reed, Reichelderfer, Robinson, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stucker, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Tulley, Van Valzah, Vawter, Willard, Wimmer and Mr. Speaker—69.

Those who voted in the negative were: Messrs. Arnold of Wabash, Carter, Confer, Cunningham, Drover, Fancher, Faulkner, Humphreys, Johnston, Lindley and Vanpelt—11.

The constitutional rules were suspended.

Engrossed Senate Bill No. 261 was read the second time.

Engrossed Senate Bill No. 261 was read the third time.

Mr. Shauck moved that the bill do lie on the table.

Which was agreed to.

Mr. Works, from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**

The joint committee on enrolled bills have this day presented to the Governor enrolled acts Nos. 476, 290, 22, 621, 20, 286, 420, 158, 192, 32, 630, 105 and 397, House of Representatives.

Enrolled House Bill No. 377, which failed to pass for want of a constitutional majority, was called up and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Briggs, Caldwell, Campbell, Connor, Copeland, Dailey, Davidson, Donnell,



Drake, Edwins, English, Fleming, Galbraith, Gordon, Handy, Herod, Hess, Hopkins, Humphreys, Huthsteiner, Kirkpatrick, Lehman, March, Messick, Miers, Nave, Owen, Perry, Reed, Reichelderfer, Rooker, Saint, Scholl, Schweitzer, Shanks, Shutt, Skinner, Taylor of Daviess, Taylor of Lagrange, Thayer, Thompson, Thornburg, Vanpelt, Willard and Works—51.

Those who voted in the negative were: Messrs. Brown of Jasper, Carey, Confer, Connaway, Cunningham, Davis, Drover, Faulkner, Flodder, Garrouette, Golden, Harland, Hart, Hosmer, Johnston, Kester, Lindley, Major, Mitchell, Overmyer, Robinson, Rodman, Shauck, Shields, Sleeth, Stucker, Taylor of Warrick, Tulley, Vawter, Watson and Mr. Speaker—31.

The bill passed over the veto of the Governor.

Mr. Works, from the committee on enrolled bills, submitted the following report:

**MR. SPEAKER:**

The committee on enrolled bills have this day presented to the Governor enrolled act No. 89 House of Representatives.

Mr. Campbell moved that Senate bill No. 119 be taken from the table.

Mr. Scholl moved that the motion do lie on the table.

On which motion, Messrs. Campbell and Cunningham demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Allen, Arnold of Grant, Briggs, Brown of Jasper, Caldwell, Confer, Dailey, Davidson, Drover, Edwins, Fleming, Flodder, Galbraith, Garrouette, Ginz, Handy, Harland, Hart, Hess, Hosmer, Johnston, Kester, Lehman, Messick, Miers, Perry, Reichelderfer, Rodman, Rooker, Scholl, Schweitzer, Shanks, Shields, Shutt, Snoddy, Stucker, Taylor of Daviess, Taylor of Warrick, Thompson, Tulley, Vanpelt, VanValzah, Works and Mr. Speaker—45.

Those who voted in the negative were: Messrs. Bearss, Campbell, Carey, Connor, Copeland, Cunningham, Donnell, English, Fancher, Hubbard, Huthsteiner, Kirkpatrick, Overmyer, Owen, Reed, Robinson, Shauck, Skinner, Watson and Willard—20.

The motion was agreed to.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled House bills Nos. 683, 585, 412, 460, 344, 527 and 89, and said bills are herewith returned to the House.

And I am directed by the Senate to inform the House of Representatives that the Senate has failed to pass House bill No. 377 over the Governor's veto.

House Bill No. 704. Introduced by Mr. Saint, entitled "An act to prevent the playing of any game or games of pool, billiards, cards or the throwing of dice, and to prohibit any dramatic performance, musical concert or entertainment in any saloon or place adjoining a saloon where intoxicating liquors are sold to be drank on the premises, and to fix the penalty for a violation thereof."

Read the first time.

Mr. Saint moved that the constitutional rules be suspended so that House bill No. 704 may be read the second time by title, considered engrossed and read the third time and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Blockley, Campbell, Carey, Carter, Connaway, Connor, Copeland, Davis, Donnell, Fancher, Golden, Handy, Harland, Hess, Hopkins, Johnston, Kirkpatrick, Lindley, Major, March, Miers, Mitchell, Overmyer, Owen, Reed, Robinson, Rodman, Rooker, Saint, Shanks, Shauck, Shields, Skinner, Sleeth, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Watson, Wimmer, Works and Mr. Speaker—44.

Those who voted in the negative were: Messrs. Alden, Barker, Briggs, Brown of Jasper, Bryant, Caldwell, Confer, Cunningham, Dailey, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Garrouette, Ginz, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Messick, Perry, Reichelderfer, Scholl, Schweitzer, Shutt, Stucker, Taylor of Daviess, Thompson and VanValzah—34.

The constitutional rules were not suspended.

Engrossed House Bill No. 682 was read the third time and put upon its passage.

The question being shall the bill pass?

The roll was called.

Those who voted in the affirmative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Campbell, Carey, Carter, Conaway, Connor, Copeland, Davis, Donnell, Fancher, Golden, Handy, Harland, Hess, Hopkins, Hubbard, Johnston, Kirkpatrick, Lindley, Major, March, Mitchell, Overmyer, Owen, Reed, Robinson, Rodman, Saint, Shanks, Skinner, Sleeth, Snoddy, Taylor of Lagrange, Taylor of Warrick, Thayer, Thornburg, Watson and Works—38.

Those who voted in the negative were: Messrs. Allen, Barker, Blockley, Briggs, Brown of Jasper, Bryant, Caldwell, Confer, Cunningham, Dailey, Drake, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Hart, Hosmer, Humphreys, Huthsteiner, Kester, Lehman, Messick, Miers, Nave, Perry, Reichelderfer, Scholl, Schweitzer, Shauck, Shields, Shutt, Stucker, Taylor of Daviess, Thompson, Tulley, VanValzah, Willard and Mr. Speaker—40.

The bill failed to pass for want of a constitutional majority.

Mr. Works from the joint committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills have examined enrolled act number 527, of the House of Representatives, and find the same correctly enrolled.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed House bill No. 487, and the same is herewith returned to the House.

House Bill No. 705. Introduced by Mr. Overmyer, entitled "An act fixing the salaries of the deputy wardens of the prisons, providing for furnishing prison libraries, repealing conflicting laws and declaring an emergency."

Read the first time.

Mr. Overmyer moved that the constitutional rule be suspended,



that House bill No. 705 may be read the second time by title; considered engrossed, read the third time and put upon its passage.

The roll was called.

Those who voted in the affirmative were: Messrs. Alden, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Briggs, Brown of Jasper, Caldwell, Campbell, Carey, Connaway, Connor, Copeland, Cunningham, Dailey, Davis, Donnell, English, Fleming, Flodder, Garrouette, Golden, Handy, Harland, Hess, Hopkins, Hosmer, Hubbard, Huthsteiner, Lehman, Major, March, Messick, Miers, Nave, Overmyer, Owen, Robinson, Rodman, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Taylor of Daviess, Taylor of Lagrange, Thayer, Tulley, VanValzah, Watson, Willard, Works and Mr. Speaker—54.

Those who voted in the negative were: Messrs. Blockley, Carter, Confer, Drake, Fancher, Faulkner, Ginz, Hart, Johnston, Kester, Kirkpatrick, Lindley, Mitchell, Perry, Rooker, Saint, Schweitzer, Stucker, Taylor of Warrick and Thompson—20.

The constitutional rule was not suspended.

Mr. Shanks, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House bills Nos. 345, 285 and 347, upon the subject of libel, have had the same under consideration and instructed me to report the same back to the House and recommend that said bills do lie on the table.

Report concurred in.

The Speaker reported that he had signed enrolled House acts Nos. 527 and 89.

On motion of Mr. Lehman the House adjourned.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.

## MONDAY MORNING.

MARCH 31, 1879.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of Saturday was read in part, when, on motion of Mr. Faulkner, the further reading was dispensed with.

Mr. Faulkner, from the special committee appointed to investigate the Attorney General's office, submitted the following report:

MR. SPEAKER:

Your special committee appointed to investigate the Attorney General's office, and who were instructed to report to the House the best manner of completing the investigation, have had the same under consideration and submit the following resolutions:

*Resolved*, That a commission of three be appointed by the Speaker of the House to continue the investigation of the office of the Attorney General during the terms of office of James C. Denny and Clarence A. Buskirk, to ascertain what amounts of money have been collected by each, from whom collected, and what office the person from whom the collection was made held at the time, if any, and if not, whether the moneys collected had been in the hands of such person in an official capacity and retained after his term of office had expired, on account of what funds the moneys were collected by said Denny and Buskirk, what commissions were charged by them and their assistants, from what counties the collections were made, out of what funds the commissions were retained, and out of what county; the full amount collected by each during his term of office, and the amount paid over to the proper county and State Treasuries, and the amount such commission shall believe said Denny and Buskirk are indebted to the State, or any of the counties, for moneys collected and not paid over.

*Resolved*, That for the purpose of aiding such commission in ascertaining the facts set out above, it shall be the duty of any state or county officer to furnish, upon demand of the commission, or a majority of them, any transcript or statement of any collections made by said parties from them or their predecessors in office, as shown by the books or papers of the office, as well as any and all

moneys paid by them to either of said parties; and it shall be the duty of clerks of courts, county treasurers, county auditors, justices of the peace, constables and any other officers or persons from whom any collections have been made by said parties as Attorney General, to furnish to said commission a full and true statement of all moneys paid by them to such Attorneys General or their assistants, giving the dates when such moneys were collected and received by them as such officers, for what they were received and the dates when such moneys were collected and received by them as such officers, and the dates when such moneys were paid by them to the said parties or either of them.

*Resolved*, That such commission is required to prepare a tabulated statement of all the matters required by the first resolution above to be filed with the Governor within ten days after the same is completed, with a report of their action and the conclusions reached by them, together with any other facts they may deem proper.

*Resolved*, That in case such commission shall find any amount due from either of said parties to the state for moneys collected and not paid over, the governor shall appoint one or more competent attorneys of the State to bring suit to recover the money so found to be due, such attorney or attorneys to be assisted by the attorney general; *Provided*, That the attorneys, so appointed by the Governor, shall not receive for their services more than five hundred dollars for any suits that may be brought against either of said parties; *And provided further*, That in case such commission, and the governor, shall believe that either of said parties is insolvent, and that the sureties on his official bond have been released by the statute of limitations, no suit shall be brought against such party.

*Resolved*, That such commission shall, at the time of filing their report with the governor, file therewith a sworn statement of the number of days actually served by them, and each of them, as provided by these resolutions, and they shall receive for their services the sum of six dollars per day for the time served, and the governor shall certify the sworn statement filed to the Auditor, who shall draw his warrant in favor of the members of the commission for the amount due them; *Provided*, That said commission shall not receive pay for more than forty days for such service, and mileage at six cents per mile for the distance actually traveled in coming to and going from the capital once.

*Resolved*, That it shall be the duty of the Auditor of State to fur-



nish to such commission all stationery that may be necessary for their use in making such investigation ; and

WHEREAS, It has been made to appear to the satisfaction of your committee that the book found in the office of the Attorney General is not a true and complete record of the transactions of that office during the term of Attorney General Buskirk, and that another record of such transactions was by him kept, as required by law, which was carried away by him at the close of his term, and is not now in the office where, by law, it is required to remain ; and as said book contains the records of one of the departments of the state government and is the property of the State ; therefore

*Resolved*, That if Mr. Buskirk upon the demand of the commission refuses or fails to return said book to the office of the Attorney General, the present Attorney General is hereby directed to institute such legal proceedings as he may deem proper to compel the return of the same to said office.

The Speaker reported that he had signed Senate concurrent resolution No. 46.

Leave was granted Mr. Golden to withdraw House bills Nos. 546, 547 and 548.

Mr. Sleeth moved a call of the House.

The roll was called.

Those who answered to their names were : Messrs. Alden, Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Briggs, Brown of Steuben, Caldwell, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Cunningham, Dailey, Davidson, Donnell, Drake, Drover, Edwins, English, Faulkner, Fleming, Flodder, Galbraith, Garroutte, Ginz, Golden, Handy, Hart, Herod, Hess, Hosmer, Hubbard, Humphreys, Johnston, Kester, Kirkpatrick, Lindley, Major, March, Mitchell, Nave, Overmyer, Perry, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Taylor of Warrick, Thayer, Thompson, Thornburg, Vampelt, Vawter, Watson, Willard, Wimmer, Works and Mr. Speaker —75.

Mr. Shauck moved that the further reading under the call be dispensed with.

Which was agreed to.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 49.

Also Senate concurrent resolution No. 51.

Also that the Senate has concurred in the engrossed amendments to Senate resolution No. 48, and said resolutions are herewith submitted to the House.

Engrossed Concurrent Senate Resolution No. 51, in reference to the acts of the General Assembly, was adopted.

Mr. Copeland moved that a committee of two be appointed to act with a like committee of the Senate to wait upon the Governor and ascertain if he has any further communications to make to the General Assembly.

Which was agreed to.

The Speaker appointed Messrs. Copeland and Shutt as such committee.

On the adoption of the report of Mr. Faulkner, Messrs. Sleeth and Cunningham demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Arnold of Grant, Arnold of Wabash, Barker, Bearss, Blockley, Brown of Steuben, Campbell, Carey, Carter, Confer, Connaway, Connor, Copeland, Dailey, Davidson, Davis, Donnell, Drake, Drover, English, Faulkner, Fleming, Flodder, Galbraith, Garrouette, Ginz, Golden, Hart, Herod, Hess, Hosmer, Hubbard, Johnston, Kester, Lehman, Lindley, Major, March, Reed, Reichelderfer, Robinson, Rodman, Saint, Scholl, Schweitzer, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Stevens, Stucker, Taylor of Daviess, Thornburg, Vanpelt, Vawter, Watson, Willard, Wimmer and Works—61.

Those who voted in the negative were: Messrs. Briggs, Cunningham, Handy, Humphreys, Kirkpatrick, Mitchell, Nave, Overmyer, Perry, Taylor of Warrick and Thayer—11.

The report was concurred in.

Mr. Sleeth offered the following resolution :

*Resolved by the House of Representatives (the Senate concurring therein),* That in order that the people shall have at least an intimation of the laws by which they are governed, that the bureau of public printing shall, within five days after the adjournment of the present General Assembly, cause to be published by one insertion in each of the two daily newspapers published at Indianapolis having the largest general circulation in the State, the numbers and titles of all acts passed at the regular and special session containing an emergency clause.

Which was adopted.

Mr. Johnston offered the following resolution :

*Resolved,* That the thanks of this House are hereby tendered to the Hon. Henry S. Cauthorn for the able and impartial manner in which he has presided over the deliberations of the special session of the fifty-first General Assembly of the State of Indiana, as Speaker of the House.

Which was unanimously adopted.

Mr. Caldwell offered the following resolution :

*Resolved by the House of Representatives (the Senate concurring therein),* That the Secretary of State be and he is hereby directed to send each Senator and Representative a copy of the Journal of each House and the Acts of the Regular and Special Session of 1879 as soon after the publication of the same as practicable.

Which was adopted.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate concurrent resolution No. 35, and the same is herewith submitted to the House.

Senate concurrent resolution No. 35 was adopted.

Mr. Willard offered the following resolution :

*Resolved by the House of Representatives (the Senate concurring therein),* That Thomas McDaniels be allowed the sum of seventy-nine dollars as an extra allowance for services as Assistant Door-keeper and controlling the heating and ventilation of the room during the regular and special sessions of this General Assembly,



thereby making his pay four dollars per day for actual services rendered during both sessions.

On the passage of the resolution the roll was called.

Those who voted in the affirmative were: Messrs. Allen, Baker, Barker, Bearss, Blockley, Caldwell, Carey, Carter, Cunningham, Dailey, Drover, English, Fancher, Fleming, Flodder, Galbraith, Golden, Herod, Hubbard, Kester, Lehman, Lindley, Major, March, Reichelderfer, Robinson, Saint, Scholl, Shanks, Shauck, Shields, Shutt, Skinner, Sleeth, Snoddy, Taylor of Daviess, Thayer, Thompson, Vanpelt, Watson, Willard, Wimmer and Works—42.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Briggs, Campbell, Confer, Connor, Copeland, Davidson, Edwins, Faulkner, Garrouette, Golden, Handy, Hart, Hosmer, Humphreys, Johnston, Mitchell, Overmyer, Rodman, Schweitzer, Stevens, Stucker, Vawter and Mr. Speaker—25.

The resolution was adopted.

Senate Concurrent Resolution No. 49, in relation to appropriating four hundred and fifty-one dollars to pay the expenses of the investigation of the benevolent institutions was read and adopted.

Mr. Cunningham submitted the following resolution:

WHEREAS, The compiler of the brevier reports has been on constant duty every hour of every session of the Indiana Legislature for twenty-one years last past; and

WHEREAS, Such constant consecutive service has no parallel in the history of this commonwealth; therefore, commemorating the attainment of his majority-year since entering this Legislature,

*Resolved by the House of Representatives (the Senate concurring therein),* That W. H. Drapier is authorized to continue the brevier legislative reports for the fifty-first General Assembly, at the same price, and the same number of copies furnished by him to every General Assembly since 1857.

On the adoption of the resolution Messrs. Briggs and Mitchell demanded the ayes and noes.

The roll was called.

Those who voted in the affirmative were: Messrs. Allen, Baker, Barker, Caldwell, Carter, Cunningham, Edwins, English, Fancher, Fleming, Garrouette, Ginz, Herod, Hess, Hubbard, Nave, Perry, Saint, Scholl, Shanks, Stevens, Taylor of Daviess, Thompson, Willard, Wimmer and Works—26.

Those who voted in the negative were: Messrs. Arnold of Grant, Arnold of Wabash, Bearss, Blockley, Briggs, Campbell, Carey, Confer, Connaway, Copeland, Dailey, Davidson, Drake, Faulkner, Flodder, Galbraith, Handy, Hart, Humphreys, Johnstøn, Kester, Lehman, Major, March, Mitchell, Overmyer, Reichelderfer, Robinson, Rodman, Schweitzer, Shauck, Shields, Shutt, Skinner, Sleeth, Stucker, Thayer, Thornburg, Vanpelt, Vawter and Watson—43.

The resolution was not adopted.

The following communication was received from the Governor:

*To the House of Representatives:*

I have received, approved and signed House bills numbered as follows:

Nos. 667, 486, 689, 401, 466, 663, 671, 114, 168, 656, 672, 444, 592, 687, 179, 467, 477, 59, 640, 82, 132, 549, 608, 263, 264, 27, 310, 368, 383, 414, 455, 560, 583, 589, 623, 642, 20, 22, 32, 105, 192, 286, 290, 397, 420, 476, 621, 630, 89, 412, 460, 487, 344, 527, 585, 683, and have caused the same to be deposited in the office of the Secretary of State.

I have also received and have under consideration House bills Nos. 158 and 620. I have received from the Senate during the special session, closing this day, fifty-six bills of which I have signed forty-six, and have ten under consideration. I have received from the House of Representatives, during the special session, sixty-nine bills, of which I have returned one with objections. I have approved and signed sixty-six and have two under consideration. I have also received House concurrent resolutions Nos. 23, 25, 27, 31, 28, 30, 36, 37, 38, 39, and joint resolutions Nos. 21 and 22, and have caused them to be deposited in the office of the Secretary of State.

JAMES D. WILLIAMS.

Governor's Office, March 31, 1879.

Mr. Edwins submitted the following resolution:

*Resolved by the House of Representatives (the Senate concurring therein),* that the charges, reports and evidence taken in the investigation of the benevolent institutions be printed in pamphlet form.

Which was adopted.

Mr. Nave submitted the following concurrent resolution:

*Resolved by the House of Representatives (the Senate concurring therein),* That our Senators be instructed and our Representatives in Congress be requested to use their influence in securing an appropria-

tion adequate to and for the purpose of opening a ship canal from Lake Michigan to some point on the Wabash river, and the dredging and making navigable of the Wabash river from the point of intersection by such canal to its mouth.

Which was on motion adopted.

Mr. Perry submitted the following resolution:

WHEREAS, The pay of the employes of this House being fixed at the same per diem as at last session 1877, of the General Assembly, and that Jennings R. Larter, spittoon cleaner of this House has only received the sum of \$2.50 per day, when he should have received the sum of \$3.00 per day; therefore be it

*Resolved by the House of Representatives (the Senate concurring therein),* that the sum of \$41.00 be allowed to Jennings R. Larter to make his per diem the same as allowed by a concurrent resolution adopted at the early part of the regular session, and that the Speaker be and is hereby authorized to draw his warrant for the above amount.

Which was not adopted.

Mr. Copeland, from the committee appointed to wait upon the Governor, submitted the following report:

MR. SPEAKER:

Your committee appointed to wait upon the Governor to ascertain whether he had any further business to communicate to this General Assembly beg leave to report that he has nothing further to communicate.

The Speaker appointed as the select committee to investigate the Attorney General's office, Messrs. Sleeth, Works and Huthsteiner.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 56.

Also Senate concurrent resolution No. 64.

Also that the Senate has concurred in engrossed House resolution No. 40.

Also House concurrent resolution No. 60.

Also concurrent resolution No. 35.



Also concurrent resolution No. 57.

Also concurrent resolution No. 41.

And the same are herewith returned and submitted to the House.

The Speaker submitted the following report:

*To the House of Representatives of the General Assembly of Indiana:*

In obedience to the law the undersigned submits a detailed report of the warrants drawn by him, during the special session, in favor of members, officers and employes, showing the number of warrants drawn, the amount of each warrant, and to whom payable. Also, the aggregate amount of all the warrants drawn in favor of each person:

March 22.	A. J. Alden, per diem.....	\$72 00
March 31.	A. J. Alden, per diem.....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	R. Allen, per diem.....	\$72 00
March 31.	R. Allen, per diem.....	54 00

Total.....	<u>\$126 00</u>
------------	-----------------

March 22.	Jesse Arnold, per diem.....	\$72 00
March 31.	Jesse Arnold, per diem.....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	J. D. Barker, per diem.....	\$72 00
March 31.	J. D. Barker, per diem.....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	C. S. Baker, per diem.....	\$72 00
March 31.	C. S. Baker, per diem.....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	A. C. Bearss, per diem .....	\$72 00
March 31.	A. C. Bearss, per diem.....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	Russell Blockley, per diem.....	\$72 00
March 31.	Russell Blockley, per diem .....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	John C. Briggs, per diem.....	\$72 00
March 31.	Sohn C. Briggs, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	George H. Brown, per diem.....	\$72 00
March 31.	George H. Brown, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	E. Brown, per diem.....	\$72 00
March 31.	E. Brown, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	J. H. Bryant, per diem.....	\$72 00
March 31.	J. H. Bryant, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Frank D. Caldwell, per diem.....	\$72 00
March 31.	Frank D. Caldwell, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	B. F. Campbell, per diem.....	\$72 00
March 31.	B. F. Campbell, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	O. H. P. Carey, per diem.....	\$72 00
March 31.	O. H. P. Carey, per diem .....	54 00
	Total .....	<u>\$126 00</u>
March 22.	William B. Carter, per diem .....	\$72 00
March 31.	William B. Carter, per diem .....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Henry S. Cauthorn, per diem.....	\$72 00
March 31.	Henry S. Cauthorn, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Isaac M. Compton, per diem .....	\$72 00
March 31.	Isaac M. Compton, per diem .....	54 00
	Total .....	<u>\$126 00</u>

March 22.	J. M. Confer, per diem.....	\$72 00
March 31.	J. M. Confer, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	J. W. Connaway, per diem.....	\$72 00
March 31.	J. W. Connaway, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	J. B. Connor, per diem.....	\$72 00
March 31.	J. B. Connor, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	A. C. Copeland, per diem.....	\$72 00
March 31.	A. C. Copeland, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	D. A. Cunningham, per diem.....	\$72 00
March 31.	D. A. Cunningham, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Joseph S. Dailey, per diem.....	\$72 00
March 31.	Joseph S. Dailey, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Lycurgus Dalton, per diem.....	\$72 00
March 31.	Lycurgus Dalton, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Jasper Davidson, per diem.....	\$72 00
March 31.	Jasper Davidson, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Joseph Davis, per diem.....	\$72 00
March 31.	Joseph Davis, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	J. S. Donnell, per diem.....	\$72 00
March 31.	J. S. Donnell, per diem.....	54 00
	Total .....	<u>\$126 00</u>



March 22.	I. H. Drake, per diem.....	\$72 00
March 31.	I. H. Drake, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	Henry Drover, per diem.....	\$72 00
March 31.	Henry Drover, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Stanley W. Edwins, per diem.....	\$72 00
March 31.	Stanley W. Edwins, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	W. E. English, per diem.....	\$72 00
March 31.	W. H. English, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Thaddeus Fancher, per diem.....	\$72 00
March 31.	Thaddeus Fancher, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	C. R. Faulkner, per diem.....	\$72 00
March 31.	C. R. Faulkner, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	B. H. Flodder, per diem.....	\$72 00
March 31.	B. H. Flodder, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	O. E. Fleming, per diem.....	\$72 00
March 31.	O. E. Fleming, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Arthur D. Galbraith, per diem.....	72 00
March 31.	Arthur D. Galbraith, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	T. J. Garrouette, per diem.....	72 00
March 31.	T. J. Garrouette, per diem.....	54 00
	Total.....	<u>\$126 00</u>

March 22.	Henry Ginz, per diem.....	\$72 00
March 31.	Henry Ginz, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	J. M. Golden, per diem.....	\$72 00
March 31.	J. M. Golden, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	J. W. Gordon, per diem.....	\$72 00
March 31.	J. W. Gordon, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	A. C. Handy, per diem.....	\$72 00
March 31.	A. C. Handy, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Nathan Harland, per diem.....	\$72 00
March 31.	Nathan Harland, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Thomas Hart, per diem.....	\$72 00
March 31.	Thomas Hart, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	W. W. Herod, per diem.....	\$72 00
March 31.	W. W. Herod, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	Alexander Hess, per diem.....	\$72 00
March 31.	Alexander Hess, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	J. S. Hopkins, per diem.....	\$72 00
March 31.	J. S. Hopkins, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	Jackson Hosmer, per diem.....	\$72 00
March 31.	Jackson Hosmer, per diem.....	54 00
	Total.....	<u>\$126 00</u>

March 22.	Charles Hubbard, per diem.....	\$72 00
March 31.	Charles Hubbard, per diem.....	54 00

Total.....	<u>\$126 00</u>
------------	-----------------

March 22.	A. Humphreys, per diem .....	\$72 00
March 31.	A. Humphreys, per diem.....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	S. Huthsteiner, per diem.....	\$72 00
March 31.	S. Huthstetner, per diem.....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	A. Johnston, per diem.....	\$72 00
March 31.	A. Johnston, per diem.....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	R. Kelly, per diem .....	\$72 00
March 31.	R. Kelly, per diem .....	54 00

Total.....	<u>\$126 00</u>
------------	-----------------

March 22.	I. N. Kester, per diem.....	\$72 00
March 31.	I. N. Kester, per diem.....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	T. M. Kirkpatrick, per diem.....	\$72 00
March 31.	T. M. Kirkpatrick, per diem.....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	Charles O. Lehman, per diem .....	\$72 00
March 31.	Charles O. Lehman, per diem .....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	T. J. Lindley, per diem .....	\$72 00
March 31.	T. J. Lindley, per diem .....	54 00

Total .....	<u>\$126 00</u>
-------------	-----------------

March 22.	N. J. Majors, per diem.....	\$72 00
March 31.	N. J. Majors, per diem.....	54 00

Total.....	<u>\$126 00</u>
------------	-----------------



March 22.	Walter March, per diem .....	\$72 00
March 31.	Walter March, per diem .....	54 00
	Total .....	<u>\$126 00</u>
March 22.	J. W. Messick, per diem .....	\$72 00
March 31.	J. W. Messick, per diem .....	54 00
	Total .....	<u>\$126 00</u>
March 22.	R. W. Miers, per diem .....	\$72 00
March 31.	R. W. Miers, per diem .....	54 00
	Total .....	<u>\$126 00</u>
March 22.	S. H. Mitchell, per diem .....	\$72 00
March 31.	S. H. Mitchell, per diem .....	54 00
	Total .....	<u>\$126 00</u>
March 22.	J. Shannon Nave, per diem .....	\$72 00
March 31.	J. Shannon Nave, per diem .....	54 00
	Total .....	<u>\$126 00</u>
March 22.	J. D. Osborn, per diem .....	\$72 00
March 26.	J. D. Osborn, per diem .....	24 00
March 31.	J. D. Osborn, per diem .....	30 00
	Total .....	<u>\$126 00</u>
March 22.	James Osborn, per diem .....	\$72 00
March 31.	James Osborn, per diem .....	54 00
	Total .....	<u>\$126 00</u>
March 22.	John Overmyer, per diem .....	\$72 00
March 31.	John Overmyer, per diem .....	54 00
	Total .....	<u>\$126 00</u>
March 22.	A. R. Owen, per diem .....	\$72 00
March 31.	A. R. Owen, per diem .....	54 00
	Total .....	<u>\$126 00</u>
March 22.	William Perry, per diem .....	\$72 00
March 31.	William Perry, per diem .....	54 00
	Total .....	<u>\$126 00</u>

March 22.	G. I. Reed, per diem.....	\$72 00
March 31.	G. I. Reed, per diem.....	54 00
Total .....		<u>\$126 00</u>

March 22.	E. Reichelderfer, per diem.....	\$72 00
March 31.	E. Reichelderfer, per diem.....	54 00
Total .....		<u>\$126 00</u>

March 22.	Ed. Robeson, per diem.....	\$72 00
March 31.	Ed. Robeson, per diem.....	54 00
Total .....		<u>\$126 00</u>

March 22.	J. M. Rodman, per diem.....	\$72 00
March 31.	J. M. Rodman, per diem.....	54 00
Total .....		<u>\$126 00</u>

March 22.	C. B. Robinson, per diem.....	\$72 00
March 31.	C. B. Robinson, per diem.....	54 00
Total .....		<u>\$126 00</u>

March 22.	W. W. Rooker, per diem.....	\$72 00
March 31.	W. W. Rooker, per diem.....	54 00
Total.....		<u>\$126 00</u>

March 22.	Exum Saint, per diem.....	\$72 00
March 31.	Exum Saint, per diem.....	54 00
Total.....		<u>\$126 00</u>

March 22.	C. Scholl, per diem.....	\$72 00
March 31.	C. Scholl, per diem.....	54 00
Total .....		<u>\$126 00</u>

March 22.	B. Schweitzer, per diem.....	\$72 00
March 31.	B. Schweitzer, per diem .....	54 00
Total.....		<u>\$126 00</u>

March 22.	J. P. C. Shanks, per diem .....	\$72 00
March 31.	J. P. C. Shanks, per diem .....	54 00
Total .....		<u>\$126 00</u>

March 22.	J. H. Shauck, per diem .....	\$72 00
March 31.	J. H. Shauck, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	J. T. Shields, per diem.....	\$72 00
March 31.	J. T. Shields, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	S. S. Shutt, per diem.....	\$72 00
March 31.	S. S. Shutt, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	S. S. Skinner, per diem.....	\$72 00
March 31.	S. S. Skinner, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	George B. Sleeth, per diem .....	\$72 00
March 31.	George B. Sleeth, per diem .....	54 00
	Total.....	<u>\$126 00</u>
March 22.	G. W. Snoddy, per diem.....	\$72 00
March 31.	G. W. Snoddy, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	E. H. Stevens, per diem.....	\$72 00
March 31.	E. H. Stevens, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	James F. Stucker, per diem.....	\$72 00
March 31.	James F. Stucker, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	Samuel H. Taylor, per diem .....	\$72 00
March 31.	Samuel H. Taylor, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	O. B. Taylor, per diem.....	\$72 00
March 31.	O. B. Taylor, per diem.....	54 00
	Total .....	<u>\$126 00</u>



March 22.	J. S. Taylor, per diem.....	\$72 00
March 31.	J. S. Taylor, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	John D. Thayer, per diem.....	\$72 00
March 31.	John D. Thayer, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	Maurice Thompson, per diem.....	\$72 00
March 31.	Maurice Thompson, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	J. H. Thornburg, per diem.....	\$72 00
March 31.	J. H. Thornburg, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	C. B. Tulley, per diem.....	\$72 00
March 31.	C. B. Tulley, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	S. L. Vanpelt, per diem.....	\$72 00
March 31.	S. L. Vanpelt, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	Robt. Van Valzah, per diem.....	\$72 00
March 31.	Robt. Van Valzah, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	Smith Vawter, per diem.....	\$72 00
March 31.	Smith Vawter, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	E. L. Watson, per diem.....	\$72 00
March 31.	E. L. Watson, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	J. H. Willard, per diem.....	\$72 00
March 31.	J. H. Willard, per diem.....	54 00
	Total.....	<u>\$126 00</u>

March 22.	W. P. Wimmer, per diem.....	\$72 00
March 31.	W. P. Wimmer, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	J. D. Works, per diem.....	\$72 00
March 31.	J. D. Works, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	Webster Dixon, per diem.....	\$72 00
March 31.	Webster Dixon, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	Thomas C. Mays, per diem.....	\$72 00
March 31.	Thomas C. Mays, per diem.....	54 00
	Total .....	<u>\$126 00</u>
March 22.	D. B. Wilson, per diem .....	\$72 00
March 31.	D. B. Wilson, per diem .....	54 00
	Total.....	<u>\$126 00</u>
March 22.	W. F. A. Bernhamer, per diem.....	\$72 00
March 31.	W. F. A. Bernhamer, per diem.....	54 00
	Total.....	<u>\$126 00</u>
March 22.	John P. Hawkins, per diem.....	\$60 00
March 31.	John P. Hawkins, per diem.....	45 00
	Total.....	<u>\$105 00</u>
March 22.	Thomas McCollum, per diem.....	\$60 00
March 31.	Thomas McCollum, per diem.....	45 00
	Total .....	<u>\$105 00</u>
March 22.	Rufus Allen, per diem.....	\$60 00
March 31.	Rufus Allen, per diem.....	45 00
	Total.....	<u>\$105 00</u>
March 22.	M. E. Lock, per diem.....	\$60 00
March 31.	M. E. Lock, per diem.....	45 00
	Total.....	<u>\$105 00</u>

March 22.	Polk McBride, per diem.....	\$60 00
March 31.	Polk McBride, per diem.....	45 00
	Total .....	<u>\$105 00</u>
March 22.	Theodore Biddle, per diem.....	\$60 00
March 31.	Theodore Biddle, per diem.....	45 00
	Total .....	<u>\$105 00</u>
March 22.	Jesse N. Taylor, per diem.....	\$60 00
March 31.	Jesse N. Taylor, per diem.....	40 00
	Total .....	<u>\$100 00</u>
March 22.	C. Cooper, per diem.....	\$60 00
March 31.	C. Cooper, per diem.....	45 00
	Total.....	<u>\$105 00</u>
March 11.	Oscar Chillon, per diem.....	\$5 00
	Total.....	<u>\$5 00</u>
March 11.	E. W. Cooper, per diem.....	\$5 00
	Total.....	<u>\$5 00</u>
March 22.	W. H. Shields, per diem.....	\$60 00
March 31.	W. H. Shields, per diem.....	40 00
	Total.....	<u>\$100 00</u>
March 22.	John H. Anderson, per diem.....	\$60 00
March 31.	John H. Anderson, per diem.....	45 00
	Total .....	<u>\$105 00</u>
March 22.	N. E. Alexander, per diem.....	\$60 00
March 31.	N. E. Alexander, per diem.....	45 00
	Total.....	<u>\$105 00</u>
March 22.	Henry Wakeman, per diem.....	\$60 00
March 31.	Henry Wakeman, per diem.....	45 00
	Total.....	<u>\$105 00</u>



March 22.	D. H. Taylor, per diem.....	\$60 00
March 31.	D. H. Taylor, per diem.....	45 00
	Total.....	<u>\$105 00</u>
March 22.	M. H. Corbin, per diem.....	\$60 00
March 31.	M. H. Corbin, per diem.....	45 00
	Total .....	<u>\$105 00</u>
March 22.	Henry V. Somes, per diem.....	\$60 00
March 31.	Henry V. Somes, per diem.....	45 00
	Total.....	<u>\$105 00</u>
March 31.	W. W. Skillen, per diem.....	\$105 00
	Total.....	<u>\$105 00</u>
March 22.	William Nelson, per diem .....	\$60 00
March 31.	William Nelson, per diem.....	45 00
	Total.....	<u>\$105 00</u>
March 22.	George A. Ricketts, per diem.....	\$60 00
March 31.	George A. Ricketts, per diem.....	45 00
	Total .....	<u>\$105 00</u>
March 22.	William J. Craycraft, per diem.....	\$60 00
March 31.	William J. Craycraft, per diem.....	45 00
	Total .....	<u>\$105 00</u>
March 22.	Robert R. McKahan, per diem .....	\$60 00
March 31.	Robert R. McKahan, per diem.....	45 00
	Total.....	<u>\$105 00</u>
March 22.	William Howson, per diem.....	\$30 00
March 31.	William Howson, per diem.....	22 50
	Total .....	<u>\$52 50</u>
March 22.	Alex. McConnell, per diem.....	\$30 00
March 31.	Alex. McConnell, per diem .....	22 50
	Total .....	<u>\$52 50</u>

March 22.	Jennings R. Larter, per diem .....	\$30 00
March 31.	Jennings R. Larter, per diem .....	22 50
	Total .....	<u>\$52 50</u>
March 22.	Samuel H. Nelson, per diem .....	\$30 00
March 31.	Samuel H. Nelson, per diem .....	22 50
	Total .....	<u>\$52 50</u>
March 22.	Harry Johnston, per diem .....	\$24 00
March 31.	Harry Johnston, per diem .....	18 00
	Total .....	<u>\$42 00</u>
March 22.	Joseph F. Somes, per diem .....	\$24 00
March 31.	Joseph F. Somes, per diem .....	18 00
	Total .....	<u>\$42 00</u>
March 22.	Charles Smith, per diem .....	\$24 00
March 24.	Charles Smith, per diem .....	4 00
	Total .....	<u>\$28 00</u>
March 22.	L. L. Confer, per diem .....	\$24 00
March 31.	L. L. Confer, per diem .....	18 00
	Total .....	<u>\$42 00</u>
March 22.	T. H. Morgan, per diem .....	\$24 00
March 31.	T. H. Morgan, per diem .....	18 00
	Total .....	<u>\$42 00</u>
March 22.	Chas. Reed, per diem .....	24 00
March 31.	Chas. Reed, per diem .....	18 00
	Total .....	<u>\$42 00</u>
March 22.	Thos. McDaniel, per diem .....	\$36 00
March 31.	Thos. McDaniel, per diem .....	27 00
	Total .....	<u>\$63 00</u>

The chair declared the House adjourned *sine die*.

(Approved.)

HENRY S. CAUTHORN,  
Speaker of the House of Representatives.





# INDEX.

---

[Refer to the number of bills for pages of action.]

## ABORTION—

House Bill No. 518.

## ACKNOWLEDGMENTS—

House Bills Nos. 191, 247.

Senate Bill No. 6.

## ADMINISTRATORS, EXECUTORS, ETC.—*See also Guardian—*

House Bills Nos. 230, 507.

## ADULTERY—

House Bill No. 252.

## AGRICULTURE—

House Bills Nos. 531, 545.

## ALIENS—

House Bill No. 154.

## AMENDATORY ACTS—

House Bills Nos. 30, 33, 35, 38, 40, 77, 80, 96, 103, 104, 161, 164, 176, 178, 184,  
185, 199, 200, 209, 210, 218, 229, 233, 238, 255, 260, 271, 274, 281, 283, 291  
298, 308, 314, 316, 322, 350, 361, 448, 474, 607, 614.

Senate Bills Nos. 60, 187, 374.

## ANIMALS—

House Bills Nos. 236, 290, 373, 451, 493, 503, 635.

## APPEALS—

House Bills Nos. 59, 75, 609.

Senate Bill No. 209.

## APPOINTMENTS, OFFICERS, ETC.—

House Bills Nos. 97, 351, 425, 504, 539, 579.

## APPORTIONMENT—

House Bills Nos. 25, 27, 28, 54, 118, 143, 307, 340, 424, 452, 457, 486, 526.

Senate Bill No. 60.

## APPROPRIATIONS—

House Bills Nos. 1, 323, 466, 558, 592.

## ASSESSMENTS, REAL AND PERSONAL—

House Bills Nos. 3, 6, 26, 79, 81, 87, 93, 146, 185, 162, 260, 313, 343, 354, 369,  
485, 492, 501, 567, 594, 615, 622, 634.  
Senate Bill No. 308.

## ASSIGNMENTS—

House Bills Nos. 258, 581.

## ATTORNEYS AND ATTORNEYS' FEES—

House Bills Nos. 50, 58, 204, 523, 577.

## BAGGAGE—

House Bill No. 180.

## BALLOTS, BALLOT BOXES, ETC.—

House Bills Nos. 270, 505.  
Senate Bill No. 197.

## BENEVOLENT INSTITUTIONS—

House Bills Nos. 112, 246, 552.

## BOARD OF CLAIMS—

Senate Bill No. 207.

## BODY SNATCHING—

House Bills Nos. 67, 294.

## BONDS—

House Bills Nos. 128, 168, 177, 253, 397.

## BUILDING AND LOAN ASSOCIATIONS—

House Bills Nos. 93, 114, 226, 413, 587.

BURGLARY—*See also Felonies—*

House Bill No. 477.

## CANADA THISTLE—

House Bill No. 225.

## CANAL—

Senate Bill No. 18.

## CEMETERIES—

House Bills Nos. 455, 551.

## CITIES AND TOWNS—

House Bills Nos. 122, 123, 140, 168, 202, 203, 206, 222, 244, 245, 302, 345, 381,  
402, 440, 449, 460, 487, 512, 513, 514, 540, 546, 547, 548, 565, 566, 569, 575,  
580, 583, 585, 588, 602.  
Senate Bills Nos. 21, 22, 23, 59, 101, 103, 140, 253, 271, 325, 331, 347, 374, 448.

## COLLECTIONS—

House Bill No. 436.

## CONCEALED WEAPONS—

House Bills Nos. 94, 240.

## CONSTITUTION—

House Bill No. 534.

## CONTRACTS—

House Bills Nos. 85, 116, 325, 619.  
Senate Bill No. 79.

**CONVERSION—**

House Bill No. 165.

**CORPORATIONS—**

House Bills Nos. 121, 126, 509, 602, 625.

Senate Bills Nos. 62, 445.

**COSTS—**

House Bill No. 426.

**COUNTIES, COUNTY OFFICERS AND COMMISSIONERS—**

House Bills Nos. 24, 62, 63, 95, 110, 113, 142, 158, 177, 187, 191, 206, 243, 259, 262, 286, 327, 342, 374, 395, 428, 430, 466, 475, 479, 489, 516, 569, 574, 584, 609, 616, 617, 618, 630.

Senate Bills Nos. 37, 61, 261, 382.

**COUNTY ORDERS—**

House Bill No. 469.

**COURTS—**

House Bills Nos. 48, 89, 129, 133, 173, 198, 279, 341, 371, 403, 416, 424, 450, 462, 470, 490, 511, 537, 549, 596.

Senate Bills Nos. 4, 12, 21, 51, 119, 184, 254, 268, 270, 392, 454.

**DEEDS AND MORTGAGES—**

House Bills Nos. 217, 239, 247, 266, 273, 299, 352, 506, 508.

Senate Bills Nos. 169, 195.

**DENTISTRY—**

House Bills Nos. 105, 363.

**DESCENTS AND DECEDENTS' ESTATES—**

House Bills Nos. 160, 467, 496, 498, 600. x

**DIVORCE—**

House Bills Nos. 69, 591.

Senate Bill No. 180.

**DOGS—See also Sheep—**

House Bills Nos. 111, 385, 406, 407, 448, 544, 595, 603.

**DRAINAGE—**

House Bills Nos. 47, 154, 284, 471.

Senate Bills Nos. 17, 47, 365, 452.

**EDUCATION—**

House Bill No. 620.

**ELECTIONS AND ELECTORS—**

House Bills Nos. 35, 39, 46, 49, 71, 76, 106, 107, 108, 112, 119, 197, 205, 207, 218, 223, 233, 254, 274, 289, 330, 356, 396, 408, 421, 453, 465, 472, 500, 505, 513, 541, 543, 629, 636.

Senate Bills Nos. 50, 83, 187, 197, 442, 447, 450.

**EMBEZZLEMENT—**

House Bills Nos. 393, 476, 598.

Senate Bill No. 216.

**ESTOPPLE—**

House Bill No. 521. •



**EVIDENCE—**

House Bills Nos. 53, 120.

**EXECUTION—**

House Bill No. 627.

**EXEMPTION—**

House Bills Nos. 10, 22, 68, 70, 104, 127, 159, 161, 176, 182, 208, 216, 220, 278, 301, 326, 386, 389, 463, 481, 495, 502, 595.

Senate Bills Nos. 43, 449.

**EXPRESS COMPANIES—**

House Bill No. 82.

**FALSE ALARMISTS—**

House Bill No. 409.

**FEEBLE MINDED CHILDREN AND PERSONS OF UNSOUND MIND—**

House Bills Nos. 73, 464.

Senate Bills Nos. 69, 444.

**FEES AND SALARIES—**

House Bills Nos. 37, 102, 103, 113, 130, 142, 241, 242, 269, 282, 283, 322, 336, 344, 366, 391, 525, 528, 550, 573.

**FELONIES—**

House Bills Nos. 32, 293, 349, 416, 477, 478.

Senate Bills Nos. 16, 125, 135.

**FENCES AND HEDGES—**

House Bills Nos. 261, 373.

**FERRIES—**

House Bill No. 480.

**FISH—**

House Bills Nos. 19, 136, 219, 227, 234, 263, 275, 335, 384, 628.

**GAME—**

House Bills Nos. 166, 167, 339, 400, 433.

Senate Bill No. 338.

**GENERAL ASSEMBLY—*See also Appointments—***

House Bill No. 599.

Senate Bill No. 32.

**GEOLOGY—**

House Bill No. 282.

**GOVERNOR—**

House Bills Nos. 242, 312, 425, 504, 528, 557.

**GUARDIANS AND PARENTS—*See also Administrators—***

House Bills Nos. 196, 204, 229, 250, 423, 464, 507.

Senate Bill No. 30.

**HEALTH, BOARD OF—**

House Bills Nos. 65, 324, 329.

**HIGHWAYS, TOLLS, ROADS, TURNPIKES, ETC.—**

House Bills Nos. 9, 11, 52, 64, 176, 203, 257, 280, 317, 365, 388, 397, 399, 410, 411, 422, 456, 473, 554, 561, 597.

Senate Bills Nos. 122, 187, 196.

**HOTELS—**

House Bill No. 417.

**HOUSE OF REFUGE—*See also Benevolent Institutions—***

House Bill No. 552.

**HUNTING AND SHOOTING—**

House Bill No. 167.

**ILLEGITIMATE CHILDREN—**

House Bill No. 360.

**INCORPORATION—**

House Bills Nos. 14, 60, 381, 383, 419, 514, 519, 546, 588.

**INDEMNIFICATION—**

House Bills Nos. 95, 277.

**INSANE—**

House Bills Nos. 100, 101, 246.

**INSURANCE—**

House Bills Nos. 188, 380, 445, 447.

Senate Bill No. 303.

**INTEREST—**

House Bills Nos. 2, 4, 8, 18, 34, 43, 61, 72, 117, 125, 134, 149, 152, 171, 181, 221, 256, 586.

Senate Bill No. 277.

**INVESTIGATION—**

House Bill No. 431.

**JUDGMENTS—**

House Bill No. 211.

**JUDICIARY—*See also Courts—***

House Bills Nos. 23, 56, 106, 109, 110, 118, 130, 241, 259, 276, 371, 398, 457, 526.

Senate Bills Nos. 51, 56, 119, 254, 268, 454.

**JURIES—**

House Bills Nos. 5, 13, 274, 341, 520.

**JURISDICTION—**

House Bill No. 169.

**JUSTICES OF THE PEACE—*See County Officers—***

House Bills Nos. 224, 289, 321, 351, 356, 367, 440, 472, 474, 500.

Senate Bills Nos. 50, 71, 271, 280.

**LABOR—**

House Bills Nos. 264, 510.

Senate Bill No. 43.

**LEGALIZING ACTS—**

House Bills Nos. 12, 15, 55, 57, 135, 140, 141, 150, 192, 231, 232, 303, 390, 401,  
439, 459, 473, 508, 515, 555, 564, 621, 623, 631, 632, 638.

Senate Bills Nos. 22, 23, 55, 176, 258, 379, 429, 451.

**LETTERS, ADMINISTRATION, ETC.—**

House Bill No. 132.

**LIBEL AND SLANDER—**

House Bills Nos. 90, 120, 268, 285, 347, 355.

Senate Bills Nos. 65, 446.

**LIBRARIES—**

Senate Bill No. 280.

**LICENSES—**

House Bills Nos. 183, 202, 222, 570, 571, 572.

**LIEN—**

House Bills Nos. 83, 625.

**LIQUOR—**

House Bills Nos. 36, 144, 145, 194, 201, 222, 304, 305, 315, 359, 362, 405, 415,  
444, 530, 562, 601.

**MARRIAGES—**

House Bill No. 576.

**MARRIED WOMEN—**

House Bills Nos. 29, 91, 137, 147, 157, 220, 235, 458.

Senate Bill No. 158.

**MEDICAL EXAMINERS AND MEDICINE—**

House Bills Nos. 66, 237, 297, 377, 435, 461, 518, 535.

Senate Bills Nos. 9, 136.

**MERCHANDISE—**

House Bills Nos. 86, 179, 570, 619.

**MILITIA—**

House Bill No. 392.

**MINES AND MINING—**

House Bills Nos. 7, 151.

**MINORS—**

House Bill No. 201.

**MISDEMEANORS—**

House Bills Nos. 174, 212, 328, 376, 378, 606.

**MORTGAGES—**

Senate Bill No. 169.

**NEWSPAPERS—**

House Bill No. 353.

**NUISANCE—**

House Bill No. 215.

**PARDONS—**

House Bills Nos. 74, 99.



**PETROLEUM—**

House Bill No. 96.

Senate Bill No. 147.

**PRACTICE AND PLEADINGS—**

House Bills Nos. 31, 32, 33, 48, 77, 80, 92, 131, 163, 164, 178, 238, 272, 332, 348, 370, 375, 387, 404, 412, 432, 470, 483, 488, 497, 499, 524, 533, 556, 582, 590, 607.

Senate Bills Nos. 12, 91, 118, 184, 192, 267, 392.

**POLICE—**

House Bill No. 295.

**PRINTING—**

House Bill No. 438.

Senate Bill No. 380.

**PRISONERS AND PRISONS—**

House Bills Nos. 78, 251, 510, 542.

Senate Bills Nos. 27, 58.

**PROMISSORY NOTES—**

House Bills Nos. 193, 308.

**RAILROADS—**

House Bills Nos. 17, 203, 214, 259, 267, 271, 288, 296, 300, 379, 476, 593, 604.

Senate Bills Nos. 39, 198, 382.

**REAL ESTATE AND PERSONAL—***See also Assessment Exemption.*

House Bills Nos. 148, 186, 309, 346, 434, 441, 458, 545, 612, 627, 631.

Senate Bill No. 195.

**RECORDS—**

House Bills Nos. 427, 574.

**REDEMPTION—**

House Bill No. 509.

**RELIEF—**

House Bills Nos. 190, 195, 368, 414, 420, 466, 494, 527, 560, 578, 608.

Senate Bill No. 365.

**REVISION OF LAWS—**

Senate Bill No. 458.

**SABBATH—**

House Bill No. 115.

**SCHOOL FUND—**

House Bills Nos. 228, 239, 439, 491, 506, 508, 529.

Senate Bill No. 138.

**SCHOOLS—**

House Bills Nos. 42, 44, 51, 250, 277, 291, 292, 314, 320, 357, 361, 372, 382, 394, 418, 429, 437, 442, 468, 484, 532, 553, 568, 624.

Senate Bills Nos. 175, 331.

**SECURITY PUBLIC FUNDS—**

House Bill No. 522.

**SHEEP—*See also Dogs—***

House Bills Nos. 544, 603.

**SHERIFFS—**

House Bills Nos. 57, 95, 156, 213, 310, 364, 631.

Senate Bill No. 61.

**SOCIETIES—**

House Bills Nos. 333, 334.

**SOLDIERS' HOME—**

House Bill No. 563.

**STATE HOUSE—**

House Bills Nos. 633, 637, 638.

**STATE OFFICERS—**

House Bill No. 316.

**STATE UNIVERSITY—**

House Bill No. 613.

**STATISTICS—**

House Bills Nos. 20, 446, 536.

**STOCK—**

House Bill No. 98.

**SUPERVISORS—**

House Bills Nos. 172, 197, 199, 207, 223, 233, 265, 330, 453.

**TABLES, POOL, BILLIARD AND CARD—**

House Bill No. 562.

**TAXES AND TAXATION—**

House Bills Nos. 16, 45, 139, 331, 337, 338, 407, 509, 512, 532, 559, 595, 626.

**TELEGRAPH—**

House Bill No. 189.

**TOWNSHIP ASSESSORS—**

House Bills Nos. 21, 153.

**TOWNSHIP TRUSTEES—**

House Bills Nos. 41, 123, 124, 138, 287, 438, 442, 548, 589, 611.

Senate Bill No. 280.

**TRAMPS—**

House Bills Nos. 311, 353.

**TRZES—**

House Bills Nos. 84, 482.

**TRUSTEES AND TRUSTS—**

House Bills Nos. 306, 319, 564.

Senate Bill No. 353.

**VAGRANCY—**

House Bills Nos. 88, 318.

**WABASH AND ERIE CANAL—**

Senate Bill No. 18.

**WAGES—**

House Bill No. 162.

**WATER WORKS—**

Senate Bill No. 101.

**WEIGHTS AND MEASURES—**

House Bills Nos. 210, 605.

**WITNESSES—**

House Bills Nos. 170, 184, 249.

Senate Bill No. 194.

**WORK HOUSE—**

House Bill No. 489.

Senate Bill No. 57.

**COMMUNICATIONS, REPORTS, RESOLUTIONS, ETC.****COMMUNICATIONS FROM—**

Attorney General, pages 491, 1060.

Auditor of State, pages 66, 170, 179, 240, 381, 468, 499, 785.

Deaf and Dumb Institute, pages 256, 467.

Governor, pages 30, 66, 93, 99, 118, 119, 169, 187, 188, 219, 254, 476, 478, 591,

1035 1158, 1190, 1259, 1315, 1436, 1456.

House of Refuge, pages 290, 661.

Insane Asylum, page 654.

Normal School, page 210.

Prison, North, page 591.

Prison, South, page 255.

Reformatory Institution, pages 291, 468.

Secretary of State, pages 25, 142, 143.

Soldiers' Orphans' Home, pages 178, 209.

State Librarian, page 15.

State House Commissioners, pages 236, 291.

State University, pages 289, 1441.

Superintendent of Public Instruction, pages 295, 520.

Treasurer of State, page 710.

**COMMITTEE CLERKS APPOINTED—**

Pages 93, 96.

**CONCURRENT RESOLUTIONS—**

Pages 153, 186, 202, 213, 249, 303, 459, 473, 517, 536, 590, 885, 947, 1069, 1114,

1115, 1162, 1190, 1231, 1266, 1268, 1271, 1286, 1365, 1419, 1454, 1455, 1456.

**ELECTIONS—**

Of Speaker, pages 6, 1110.

Of Principal Clerk, pages 12, 1110.

Of Assistant Clerk, pages 12, 1110.

Of Doorkeeper, pages 13, 1110.

Of Directors of Southern Prison, page 363.

Of Directors of Northern Prison, page 366.

Of United States Senator, page 182.

Of State Librarian, page 361.



## JOINT CONVENTION—

Pages 182, 361.

## JOINT RESOLUTIONS—

House, pages 62, 68, 69, 70, 79, 105, 129, 130, 131, 132, 133, 134, 135, 136, 137, 153, 169, 206, 221, 226, 262, 344, 350, 351, 352, 354, 355, 426, 559, 576, 795, 797, 798, 843, 886, 1109, 1151, 1159, 1160, 1432, 1433.

Senate, pages 69, 141, 145, 153, 273, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 297, 922, 963, 964, 1003, 1366, 1367, 1368, 1369, 1414.

## MEMORIALS—

Page 1044.

## MEMBERS SWORN IN—

Pages 4, 1109.

## MESSAGES FROM THE SENATE—

Pages 17, 81, 98, 121, 127, 181, 211, 212, 221, 242, 243, 261, 274, 297, 357, 359, 373, 411, 473, 474, 493, 494, 575, 576, 654, 655, 656, 658, 863, 870, 875, 876, 877, 878, 879, 880, 885, 914, 921, 935, 961, 963, 964, 986, 1005, 1006, 1010, 1029, 1030, 1070, 1071, 1118, 1120, 1130, 1141, 1159, 1160, 1163, 1192, 1208, 1222, 1227, 1228, 1229, 1231, 1240, 1242, 1250, 1253, 1257, 1273, 1283, 1284, 1291, 1292, 1294, 1296, 1302, 1317, 1318, 1329, 1333, 1337, 1362, 1363, 1366, 1373, 1377, 1380, 1383, 1384, 1393, 1406, 1407, 1411, 1414, 1417, 1419, 1421, 1423, 1425, 1426, 1429, 1432, 1440, 1443, 1447, 1448, 1453, 1454, 1457.

## REPORTS OF COMMITTEES—

Agriculture, pages 349, 355, 356, 434, 487, 787, 952, 1150, 1230, 1264.

Affairs of the City of Indianapolis, pages 466, 502, 619, 798, 897.

Apportionment, pages 247, 248, 390, 807.

Banks, page 681.

Benevolent Institutions, pages 603, 789, 890, 897.

Claims, pages 463, 787, 893, 1430, 1431.

Cities and Towns, pages 194, 265, 266, 434, 490, 505, 506, 507, 798, 892, 906, 908, 1149, 1192, 1279, 1325, 1389.

Conference, pages 589, 900, 933, 1140, 1309, 1314, 1316, 1393, 1403, 1409, 1420.

Corporations, pages 219, 489, 490, 795, 933, 1319.

County and Township Business, pages 245, 246, 265, 357, 358, 359, 462, 463, 484, 485, 486, 487, 773, 778.

Drains and Dikes, pages 806, 809.

Education, pages 263, 458, 514, 560, 561, 689.

Elections, pages 93, 191, 340, 371, 394, 438, 544, 545, 1148, 1150, 1238, 1265.

Engrossed Bills, pages 339, 344, 360, 484, 504, 570, 594.

Enrolled Bills, pages 168, 185, 238, 356, 489, 910, 930, 1068, 1225, 1234, 1238, 1253, 1259, 1270, 1278, 1284, 1292, 1294, 1300, 1311, 1317, 1378, 1379, 1403, 1408, 1423, 1426, 1427, 1432, 1435, 1442, 1444, 1445, 1446, 1448.

Federal Relations, pages 349, 350, 352, 354, 355, 797.

Fees and Salaries, pages 214, 623, 698.

Insurance, pages 804, 806, 1265, 1287.

Investigation, pages 926, 1152.

Judiciary, pages 195, 246, 247, 322, 323, 329, 340, 341, 342, 343, 387, 443, 447, 481, 499, 530, 546, 547, 549, 550, 551, 552, 553, 555, 556, 557, 558, 559, 598, 671, 672, 886, 908, 933, 948, 952, 1210, 1211, 1236, 1238, 1244, 1245, 1265, 1287, 1304, 1367, 1449.

Mileage, pages 152, 155, 795.

Military Affairs, pages 522, 1302.

Mines and Mining, page 195.

Organization of Courts, pages 194, 259, 260, 261, 262, 454, 460, 528, 559, 560, 653, 687, 689, 891, 1149, 1151, 1433.

Of the Whole, pages 96, 115, 500, 501, 594, 595.

Printing, page 437.

Prison Affairs, page 556.

Public Buildings, pages 808, 1413.

Railroads, pages 245, 264, 535, 772, 891, 907.

Rights and Privileges, pages 244, 264, 344, 345, 346, 348, 529, 531, 561, 562, 669, 698, 700, 703, 704, 705, 763, 1149, 1239, 1319.

Roads, pages 436, 504, 507, 508, 509, 510, 800, 1150.

Sanitary Affairs, page 809.

Select Committees, pages 21, 30, 55, 57, 99, 106, 145, 147, 195, 297, 380, 540, 542, 619, 811, 812, 887, 905, 1120, 1191, 1198, 1262, 1266, 1269, 1299, 1304, 1305, 1318, 1320, 1337, 1375, 1376, 1378, 1386, 1428, 1450, 1457.

State House Investigation, pages 581, 718, 729.

Statistics and Emigration, pages 457, 806.

Speaker, pages 1073, 1458.

Temperance, pages 310, 700, 794, 1307.

Trust Funds, page 697.

Ways and Means, pages 385, 531, 532, 796, 875, 886, 892, 1149, 1231, 1239, 1242, 1260.

#### RESOLUTIONS—INVESTIGATION—

Pages 159, 217, 419, 639, 670.

## HOUSE BILLS.

Number.	By Whom Introduced.	First Reading.	Second Reading.	To What Committee Referred.	Reported back.	Third Reading.	Vote on Passage.
		Page.	Page.		Page.	Page.	Page.
1	Leahman .....	16	94			94	94
2	Davidson .....	17	95	Judiciary .....			
3	English .....	17	95	Ways and Means.....	532	899	899
4	Elwins .....	18	98	Judiciary .....	505		
5	Faulkner .....	18	98	Judiciary .....	452	616	646
6	Stevens .....	18	98	Ways and Means.....			
7	Compton .....	18	98	Mines and Mining.....	195	480	480
8	Callwell .....	18	98	Judiciary .....			
9	Stevens .....	18	99			480	481
10	Davidson .....	19	99	Organization of Courts .....	1221	1424	1424
11	Hess .....	19	99	Roads.....		922	923
12	Shields .....	19	99	Cities and Towns.....	434	586	586
13	Overmyer.....	19	101	Organization of Courts .....	{ 262	{ 683	1138
14	Reed .....	22	101	Corporations .....	{ 683	{ 1138	
15	Lehman .....	22	101	Cities and Towns.....	385	386	386
16	Stevens .....	23	101	Education .....	194		
17	Dalton .....	23	101	Railroads.....	561	1384	1384
18	Dalton .....	23	101	Judiciary .....	245	482	482
19	Elwins.....	23	102	Rights and Privileges.....	244		
20	Connor.....	23	102	Emigration .....	457	872	{ 872
21	Connor.....	23	102	County and Township Business...	{ 358		{ 930
					{ 774		
22	Connor.....	24	102	Rights and Privileges .....	{ 562		
					{ 698		
					{ 1499		
					{ 1420		
23	Herod .....	24	102	Organization of Courts .....	261		
24	English .....	24	102	Affairs of City of Indianapolis...	466	616	616
25	English .....	25	102	Apportionment .....	807		
26	English .....	25	102	Ways and Means.....			
27	English .....	25	103	Apportionment .....	807		
28	English .....	25	103	Apportionment .....	807		
29	Works .....	26	103	Judiciary .....			
30	Works .....	26	103	Judiciary .....	449	648	648
31	Allen .....	26	103	Judiciary .....	340		
32	Watson .....	26	122	Judiciary .....	450		
33	Watson .....	27	122	Judiciary .....			
34	Watson .....	27					
35	Watson .....	27	122	Judiciary .....	341	497	497
36	Watson .....	27	122	Temperance .....	790		
37	Faulkner.....	27	122	Fees and Salaries.....			
38	Faulkner.....	27	122	Judiciary .....	445	613	613
39	Faulkner .....	27	122	Judiciary .....	448		
40	Faulkner .....	28	122	Judiciary .....			
41	Baker .....	28	122	County and Township Business...	246		
42	Baker .....	28	150	Education .....			
43	Baker .....	28	150	Judiciary .....			
44	Taylor of Warrick .....	28	150	Education .....	263		
45	Taylor .....	29	150	Cities and Towns.....	435		
46	Mitchell.....	29	150	County and Township Business...	265	579	
47	Dailey .....	58	150	Judiciary .....	530	893	894
48	Dailey .....	61	151	Judiciary .....	343		
49	Dailey .....	61	151	Elections.....	545		
50	Compton .....	61	151	Judiciary .....	673		
51	Stucker .....	61	151	County and Township Business...	{ 359		
					{ 696		
52	Stucker .....	61	151	Roads .....	507		
53	Stucker .....	62	151	Judiciary .....	341		
54	Caldwell .....	63	151	Apportionment .....			
55	Caldwell .....	63	151	Judiciary .....	546	642	642
56	Taylor of Daviess.....	63	151	Organization of Courts .....	528		
57	Donnell .....	63	151	Judiciary .....	674		
58	March .....	63	151	Judiciary .....	445	643	643
59	March .....	63	151	County and Township Business...	358	615	615
60	Willard .....	64	151	Judiciary .....	341	896	896
61	Connaway .....	64	151	Judiciary .....			



## HOUSE BILLS—CONTINUED.

Number.	By Whom Introduced.	First Reading.	Second Reading.	To What Committee Referred.	Reported Back.	Third Reading.	Vote on Passage.
		Page.	Page.		Page.	Page.	Page.
62	Davidson .....	64	152	County and Township Business...	245		
63	Davidson .....	64	152	County and Township Business...	774		
64	Davidson .....	64	152	Roads.....	437		
65	Carey.....	66	174	Sanitary Affairs.....			
66	Carey.....	67	174	Sanitary Affairs.....			
67	Arnold of Grant.....	67	174	Judiciary .....			
68	Lindley .....	67	174	Ways and Means.....			
69	Handy .....	67	174	Judiciary .....			
70	Handy .....	67	174	Ways and Means.....			
71	Snoddy .....	68	174	Roads.....	507		
72	Hubbard .....	68	174	Judiciary .....			
73	Hubbard .....	68	174	Select.....	542		
74	Overmyer.....	71	179	Judiciary .....			
75	Overmyer.....	71	180	Organization of Courts.....	454		
76	Lehman .....	72	180	Organization of Courts.....	259	579	580
77	Lehman .....	72	180	Organization of Courts.....	262		
78	Brown .....	72	180	Judiciary .....			
79	Dalton .....	72	180	Ways and Means.....			
80	Shields.....	72	180	Organization of Courts.....	{ 260 775		
81	Shields.....	73	180	Ways and Means.....			
82	Shields.....	73	180	Rights and Privileges.....	700		
83	Connor.....	74	180	Judiciary .....	683		
84	Connor.....	74	180	Agriculture .....	349	651	
85	Connor.....	74	180	Judiciary .....			
86	Connor.....	75	180	Rights and Privileges.....	700		
87	Gordon.....	75	180	Judiciary .....	530		
88	Gordon.....	75	181	Judiciary .....	448	587	587
89	Gordon.....	75	181	Judiciary .....	678	929	929
90	Herod .....	76	181	Judiciary .....			
91	Herod .....	76	181	Judiciary .....	886		
92	Herod .....	76	181	Judiciary .....	889		
93	Herod .....	76	181	Ways and Means.....	653		
94	Herod .....	76	181	Rights and Privileges.....	703		
95	Herod .....	76	181	Judiciary .....	680		
96	Herod .....	77	181	Cities and Towns.....	265	581	581
97	Herod .....	77	181	Judiciary .....	341		
98	Herod .....	77	181	Rights and Privileges.....	701		
99	Herod .....	77	181	Judiciary .....			
100	Herod .....	77	169	Benevolent Institutions.....	789		
101	Herod .....	77	169	Benevolent Institutions.....	{ 507 789		
102	English .....	78	182	Fees and Salaries.....			
103	Coufer .....	78	182	Fees and Salaries.....	908		
104	Coufer .....	79	182	Rights and Privileges.....	348		
105	Miers .....	79	182	Rights and Privileges.....	345	1282	1282
106	Miers .....	79	182	Judiciary .....	342		
107	Miers .....	79	184	Judiciary .....	450	1297	1297
108	Miers .....	80	184	Judiciary .....			
109	Thompson.....	80	184	Organization of Courts.....	637		
110	Thompson.....	80	184	Judiciary .....	891		
111	Hart .....	80	184	Agriculture .....	355		
112	Osborn of Elkhart.....	80	184	Benevolent Institutions.....	603	612	612
113	Osborn of Elkhart.....	81	222	Fees and Salaries.....	501		
114	Osborn.....	81	185	Corporations .....	490	652	652
115	Schwartz .....	81	185	Rights and Privileges.....	706	1193	1194
116	Major .....	82	185	Judiciary .....	889		
117	Major .....	82	185	Judiciary .....			
118	Works .....	82	185	Judiciary .....	547		
119	Works .....	83	185	Judiciary .....	558		
120	Works .....	83	185	Judiciary .....	449	1143	1143
121	Allen .....	83	185	Judiciary .....			
122	Allen .....	83	185	Education .....	263	582	582
123	Allen .....	84	186	County and Township Business...	773		
124	Allen .....	84	186	Judiciary .....	342		
125	Allen .....	84	186	Judiciary .....			
126	Allen .....	85	186	Judiciary .....	446		
127	Watson.....	85	186	Rights and Privileges.....	349		
128	Watson.....	85	186	Judiciary .....	342		
129	Faulkner.....	85	186	Judiciary .....			
130	Faulkner.....	85	186	Fees and Salaries.....			
131	Sleeth.....	86	186	Judiciary .....	448	617	618
132	Sleeth.....	86	186	Judiciary .....	445	587	587
133	Briggs.....	87	190	Judiciary .....	342	583	583

## HOUSE BILLS—CONTINUED.

Number.	By Whom Introduced.	First Reading.	Second Reading.	To What Committee Referred.	Reported Back.	Third Reading.	Vote on Passage.
		Page.	Page.		Page.	Page.	Page.
134	Briggs.....	87	190	Judiciary .....			
135	Briggs.....	87	190	Cities and Towns.....	267	267	268
136	Perry.....	87	190	Rights and Privileges.....	264		
137	Baker.....	88	190	Rights and Privileges.....	706		
138	Garrouette.....	89	190	County and Township Business...	{ 265 462	909	909
139	VanValzah.....	89	190	Cities and Towns.....	506		
140	VanValzah.....	89	190	Cities and Towns.....	266		
141	Taylor of Warrick.....	90	190	Cities and Towns.....			
142	Mitchell.....	91	190	Fees and Salaries.....			
143	Mitchell.....	91	213	Apportionment.....	808		
144	Owen.....	91	214	Temperance.....	790		
145	Owen.....	91	214	Judiciary .....			
146	Tulley.....	92	214	Judiciary .....			
147	Tulley.....	92	214	Rights and Privileges.....	706	1429	1429
148	Tulley.....	92	214	Judiciary .....	674		
149	Tulley.....	92	214	Judiciary .....			
150	Gordon.....	93	214	Cities and Towns.....			
151	Dalton.....	95	214	Mines and Mining.....			
152	Compton.....	103	214	Judiciary .....			
153	Stucker.....	104	214	County and Township Business...	774		
154	Caldwell.....	104	214	Dains and Dikes.....	773	1205	1205
155	Donnell.....	104	222	Judiciary .....			
156	Donnell.....	104	222	Judiciary .....			
157	March.....	104	222	Judiciary .....	{ 706 890		
158	March.....	105	222	Judiciary .....	444	544	544
159	March.....	105	222	Rights and Privileges.....	346		
160	Stevens.....	105	222	Judiciary .....	447	1403	1403
161	Willard.....	105	222	Rights and Privileges.....	346		
162	Willard.....	105	222	Rights and Privileges.....	705	1141	1141
163	Connaway.....	105	222	Judiciary .....			
164	Connaway.....	105	222	Judiciary .....			
165	Davidson.....	106	223	Judiciary .....	684		
166	Davidson.....	106	223	Judiciary .....			
167	Davidson.....	106	223	Agriculture.....	355		
168	Humphreys.....	106	223	Judiciary .....	450	649	649
169	Lindley.....	106	223	Organization of Courts.....	259		
170	Handy.....	107	223	Judiciary .....	680		
171	Handy.....	107	223	Judiciary .....			
172	Handy.....	107	223	Roads.....	449		
173	Hess.....	107	223	Organization of Courts.....	454		
174	Golden.....	107	223	Judiciary .....	445	649	649
175	Saint.....	108	223	Roads.....	508		
176	Saint.....	108	223	Judiciary .....			
177	Copeland.....	109	223	County and Township Business...			
178	Fancher.....	109	223	Judiciary .....	685		
179	Conner.....	109	223	Agriculture.....	356	651	651
180	Conner.....	109	223	Rights and Privileges.....	709		
181	Robinson.....	109	224	Judiciary .....			
182	Major.....	110	224	Rights and Privileges.....	348	919	919
183	Major.....	110	224	County and Township Business...	486		
184	Works.....	110	224	Judiciary .....			
185	Allen.....	111	224	Ways and Means.....			
186	Huthsleuer.....	115	224	Judiciary .....	687		
187	Blockley.....	115	224	Judiciary .....	499	616	617
188	Faulkner.....	116	224	Judiciary .....	449	1243	1243
189	Faulkner.....	116	224	Ways and Means.....			
190	Vawter.....	116	224	Claims.....			
191	Edwins.....	116	224	Judiciary .....	889		
192	Shutt.....	116	224	Cities and Towns.....	435	1118	1119
193	Tulley.....	117	224	Rights and Privileges.....	708		
194	Reichelderfer.....	126	224	Temperance.....	790		
195	Scholl.....	126	224	County and Township Business...	484	958	958
196	Compton.....	127	224	Judiciary .....	681		
197	Caldwell.....	127	224	Roads.....	800		
198	Stucker.....	127	225	Organization of Courts.....	{ 259 907		
199	March.....	128	225	Roads.....	800		
200	Shutt.....	128	225	Judiciary .....	546		
201	Shutt.....	128	225	Temperance.....			
202	Connaway.....	128	225	Cities and Towns.....	436	1144	1144
203	Davidson.....	128	225	Corporations.....	489		
204	Carey.....	128	225	Judiciary .....	655		



## HOUSE BILLS--CONTINUED.

Number.	By Whom Introduced.	First Reading.	Second Reading.	To What Committee Referred.	Reported Back.	Third Reading.	Vote on Passage.
		Page.	Page.		Page.	Page.	Page.
-205	Arnold.....	128	225	Judiciary .....	462		
-206	Arnold.....	128	225	County and Township Business...	394	806	806
-207	Lindley .....	129	225	Elections.....	800		
-208	Handy .....	129	225	Ways and Means.....	892		
-209	Johnston.....	137	225	County and Township Business...	886		
-210	Kirkpatrick.....	139	225	Agriculture .....	775		
-211	Thayer.....	139	225	Judiciary .....	356	{ 583	{ 583
-212	Taylor of Lagrange.....	139	225	Rights and Privileges .....	866	{ 866	{ 866
-213	Edwins.....	139	226	Judiciary .....	245		
-214	Edwins .....	139	226	Railroads.....	671	{ 545	{ 671
-215	Edwins .....	139	226	Rights and Privileges .....	345	{ 1359	{ 1359
-216	Robinson.....	140	226	Rights and Privileges.....	708		
-217	Osborn of Elkhart.....	140	226	Judiciary.....	348		
-218	Schweitzer .....	142	226	Judiciary .....	553		
-219	Schweitzer .....	142	226	Rights and Privileges.....	244		
-220	Allen .....	142	226	Judiciary .....			
-221	Huthsteiner.....	142	226	Judiciary .....	909		
-222	Sleeth.....	148	226	Cities and Towns.....	436		
-223	Sleeth.....	148	227	Roads.....	802		
-224	Arnold of Wabash.....	148	227	Judiciary .....			
-225	Owen .....	148	227	Agriculture .....	355		
-226	Tulley .....	149	227	Rights and Privileges.....	709		
-227	Dailey .....	149	227	Rights and Privileges.....	244		
-228	Dailey .....	149	227	Education .....	458	646	646
-229	Stucker .....	158	227	Judiciary .....	557	1387	1387
-230	Stucker .....	158	227	Judiciary .....			
-231	Shutt .....	158	227	Cities and Towns.....	490	641	641
-232	Shutt .....	159	227	Judiciary .....	682		
-233	Flodder.....	159	227	Roads.....	510		
-234	Flodder.....	160	227	Rights and Privileges.....	344		
-235	Connaway.....	160	228	Judiciary .....	886		
-236	Carey .....	160	228	Rights and Privileges.....	764		
-237	Davidson .....	160	228	Rights and Privileges.....	765		
-238	Snoddy .....	160	228	Judiciary .....	451	1120	
-239	Rooker.....	160	228	Trust Funds .....	697		
-240	Wimmer .....	160	228	Rights and Privileges.....	561		
-241	Wimmer .....	161	228	Judiciary .....	702		
-242	Wimmer .....	161	228	Judiciary .....	530		
-243	Overmyer.....	161	228	Elections.....	438		
-244	Overmyer.....	161	228	Judiciary .....			
-245	Fancher.....	161	228	Cities and Towns.....	435		
-246	Reed .....	161	228	Benevolent Institutions.....	789		
-247	Reed .....	161	229	Judiciary .....	674		
-248	Schweitzer .....	162	229	Judiciary .....	685		
-249	Schweitzer .....	162	230	Judiciary .....			
-250	Schweitzer .....	162	230	{ Judiciary .....	263		
-251	Osborn of Elkhart.....	162	229	{ Fees and Salaries.....	536		
-252	Osborn of Elkhart.....	162	229	Judiciary .....			
-253	Osborn of Elkhart.....	162	229	Corporations .....	490	592	592
-254	Osborn of Elkhart.....	162	229	Elections.....	544		
-255	Gordon .....	162	229	Judiciary .....			
-256	Huthsteiner.....	163	230	County and Township Business...	357		
-257	Blockley .....	164	230	Roads.....	801	903	903
-258	Sleeth.....	164	230	Judiciary .....			
-259	Sint .....	164	230	Rights and Privileges.....	765		
-260	Faulkner.....	165					
-261	Van Pelt.....	166	230	Roads.....	436	644	644
-262	Perry .....	166	230	County and Township Business...	775	898	898
-263	Perry .....	166	230	Rights and Privileges.....	905		
-264	Ginz .....	166	230	Rights and Privileges.....	765		
-265	Kester .....	166	231	County and Township Business...	707	910	910
-266	Taylor of Warrick.....	167	231	Judiciary .....	462		
-267	Taylor of Daviess.....	169	231	County and Township Business...	802		
-268	Taylor of Daviess.....	169	231	Judiciary .....	775		
-269	Judiciary Committee...	196	220	Judiciary .....	671		
					297		



## HOUSE BILLS—CONTINUED.

Number.	By Whom Introduced.	First Reading.	Second Reading.	To What Committee Referred.	Reported Back.	Third Reading.	Vote on Passage.
		Page.	Page.		Page.	Page.	Page.
270	Dailey .....	196	231	Elections.....	340		
271	Compton .....	196	231	Railroads.....	264	1226	1226
272	Donnell.....	196	231	Judiciary .....	671	584	584
273	March.....	196	231	Judiciary .....	549		
274	March.....	197	231	Judiciary .....	681		
275	Willard.....	197	231	Rights and Privileges.....	765		
276	Connoway.....	197	231	Organization of Courts.....	688		
277	Davidson.....	197	231	Education.....	{ 264		
					{ 481		
278	Humphreys.....	198	231	Rights and Privileges.....	708		
279	Kirkpatrick.....	198	231	Judiciary .....			
280	Rooker.....	198	231	Roads.....	509		
281	Wimmer.....	198	232	Fees and Salaries.....			
282	Wimmer.....	198	232	Education.....	695		
283	Wimmer.....	198	232	Fees and Salaries.....			
284	Brown.....	199	232	Drains and Dikes.....	806	867	867
285	Golden.....	199	232	Judiciary .....	1449		
286	Golden.....	199	232	Judiciary .....	555	1260	1260
287	Copeland.....	201	232	County and Township Business...	{ 246		
					{ 695		
288	Copeland.....	201	232	Railroads.....	535	873	874
289	Dalton.....	201	232	Organization of Courts.....	262		
290	Faucher.....	201	232	Agriculture.....	485	889	889
291	Taylor of Lagrange.....	201	232	Rights and Privileges.....	705		
292	Taylor of Lagrange.....	202	232	Rights and Privileges.....	708		
293	Taylor of Lagrange.....	202	233	Judiciary .....	681		
294	Edwins.....	203	233	Rights and Privileges.....	345		
295	English.....	203	233	Affairs City of Indianapolis.....	{ 502	622	622
					{ 619		
296	Connor.....	204	233	Rights and Privileges.....	707		
297	Gordon.....	204	233	Sanitary Affairs.....			
298	Gordon.....	204	233	Public Buildings.....	1413		
299	Robinson.....	205	233	Rights and Privileges.....	707		
300	Miers.....	205	233	Railroads.....	535		
301	Rodman.....	205	233	Rights and Privileges.....	348		
302	Huthsteiner.....	205	233	Education.....	{ 693		
					{ 787		
303	Huthsteiner.....	206	233	Cities and Towns.....	491	640	640
304	Kelley.....	206	233	Temperance.....			
305	Kelley.....	206	233	Temperance.....			
306	Sl-eth.....	207	233	Judiciary .....	676		
307	Sleeth.....	207	233	Organization of Courts.....	455		
308	Briggs.....	207	233	Judiciary .....	675		
309	Osborn of Vermillion.....	208	234	Judiciary .....	675		
310	Arnold of Wabash.....	208	234	Judiciary .....	550		
311	Harland.....	208	234	Rights and Privileges.....	763		
312	Mitchell.....	208	234	Claims.....		1297	1297
313	Mitchell.....	208	234	County and Township Business...	{ 246		
					{ 791		
314	Hart.....	209	234	Education.....	690		
315	Saint.....	213	242	Temperance.....			
316	Copeland.....	215	234	Judiciary .....			
317	Kirkpatrick.....	215	234	Roads.....	437	1289	
318	Herod.....	215	234	Rights and Privileges.....	764		
319	Herod.....	216	234	Judiciary .....		1441	1441
320	Reed.....	216	234	Education.....	458		
321	Bearss.....	216	234	Judiciary .....	550		
322	Works.....	216	234	Fees and Salaries.....	698		
323	Works.....	216	234	Ways and Means.....			
324	Edwins.....	216	234	Sanitary Affairs.....			
325	Sleeth.....	217	235	County and Township Business...	776		
326	Hopkins.....	217	235	Cities and Towns.....	436		
327	Lehman.....	217	235	Judiciary .....			
328	Lehman.....	217	235	Judiciary .....	672		
329	Willard.....	218	235	Rights and Privileges.....	{ 346		
					{ 764		
330	Arnold of Wabash.....	218	235	County and Township Business...	776		
331	Overmyer.....	219	235	Ways and Means.....	1299	1298	1300
332	Gordon.....	222	235	Judiciary .....	553		
333	Herod.....	227	235	Rights and Privileges.....	764		
334	Herod.....	227	235	Benevolent Institutions.....	890		
335	Herod.....	228	235	Rights and Privileges.....	766		
336	Carter.....	228	422	Fees and Salaries.....			
337	Compton.....	230	242	County and Township Business...	669		

## HOUSE BILLS—CONTINUED.

Number.	By Whom Introduced.	First Reading.	Second Reading.	To What Committee Referred.	Reported Back.	Third Reading.	Vote on Passage.
		Page.	Page.		Page.	Page.	Page.
338	Compton .....	230	242	County and Township Business...	778		
339	Connnor.....	230	242	Rights and Privileges.....	766		
340	Humphreys.....	232	243	Apportionment.....	{ 247 248 300 950	{ 395 495	495
341	Stucker .....	235	243	Judiciary .....	686		
342	Stucker .....	235	243	County and Township Business...	778		
343	Shutt .....	237	314	Ways and Means.....			
344	Willard .....	237	314	Fees and Salaries.....	{ 623 1393		
345	Brown of Jasper .....	237	314	Cities and Towns.....	1449		
346	Lehman .....	237	314	Judiciary .....	888		
347	Gordon.....	237	314	Judiciary .....	1449		
348	Gordon.....	237	314	Judiciary .....	908		
349	Gordon.....	238	314	Judiciary .....	552		
350	Gordon.....	238	314	Organization of Courts .....			
351	Herod.....	238	315	Organization of Courts .....	455	920	920
352	Robinson.....	238	315	Judiciary .....	678		
353	Kelly .....	238	315	Judiciary .....	889	1382	{ 1382 1389 1418
354	Watson .....	239	315	Judiciary .....	685		
355	Sleeth .....	239	315	Judiciary .....			
356	Vanpelt.....	239	315	Organization of Courts .....	455		
357	Garrouite.....	239	315	County and Township Business...	778		
358	Taylor of Warrick .....	239	315	County and Township Business...	779		
359	Campbell.....	239	315	Temperance.....	794		
360	Schweitzer .....	240	315	Judiciary .....	679		
361	Schweitzer .....	240	315	Education.....	695		
362	Schweitzer .....	240	315	Temperance.....	794		
363	Schweitzer.....	240	315	Rights and Privileges.....	766		
364	Judiciary Committee.....	247	315			584	585
365	Campbell.....	249	315	Roads.....	509		
366	Hart .....	249	315	Fees and Salaries.....			
367	Donnell.....	249	316	Organization of Courts .....	456	895	895
368	Carey .....	250	316	County and Township Business...	779	1195	{ 1195 1204
369	Humphreys.....	250	316	Ways and Means.....	796		
370	Humphreys.....	250	316	Organization of Courts .....	460		
371	Handy .....	250	316	Organization of Courts .....	689		
372	Cunningham .....	250	316	Education .....	560		
373	Wimmer.....	251	316	Rights and Privileges.....	766	1142	1142
374	Overmyer.....	251	316	County and Township Business...	779		
375	Overmyer.....	251	316	Judiciary .....			
376	Taylor of Lagrange.....	251	316	Temperance .....			
377	Edwins .....	251			529	904	{ 904 912 1445
378	Gordon.....	251	316	Judiciary .....	550		
379	Miers .....	254	316	Railroads.....	800		
380	Gordon.....	269	316	Insurance.....	804	936	
381	Nave .....	269	316	Cities and Towns.....	906		
382	Reed .....	269	316	Education .....	690		
383	Kirkpatrick.....	270	317	Judiciary .....	443		
384	Major .....	270	317	Rights and Privileges.....	767		
385	Miers .....	270	317	County and Township Business...	779		
386	Miers .....	270	317	Agriculture .....	434	647	647
387	Rodman.....	270	317	Judiciary .....	674		
388	Rodman.....	270	317	Roads.....	{ 509 1150		
389	Shanks.....	293	317	Judiciary .....		1408	1408
390	Baker .....	293	317	County and Township Business...	462	640	640
391	Committee.....	297	298		297		
392	Reichelderfer .....	301	422	Military Affairs.....	522	919	919
393	Dailey .....	302	317	Judiciary .....	556		
394	Carter .....	302	317	Education .....	689		
395	Stucker .....	302	317	County and Township Business...	780		
396	Caldwell .....	303	317	Elections.....			
397	Stevens .....	303	317	Rights and Privileges.....	{ 531 772		
398	Shanks.....	304	317	Organization of Courts .....			
399	Shanks.....	304	317	Roads .....	508		
400	Willard .....	304	317	Rights and Privileges.....	767		
401	Willard .....	304	318	Cities and Towns.....	505		



## HOUSE BILLS—CONTINUED.

Number.	By Whom Introduced.	First Reading.	Second Reading.	To What Committee Referred.	Reported Back.	Third Reading.	Vote on Passage.
		Page.	Page.		Page.	Page.	Page.
402	Allen .....	304	318	Cities and Towns.....	435		
403	Allen .....	304	318	Judiciary .....			
404	Nave .....	305	318	Judiciary .....	671		
405	Arnold of Blackford .....	305	318	Temperance.....			
406	Davidson .....	305	318	Agriculture.....	488		
407	Humphreys.....	305	318	Ways and Means.....	{ 796 887		
408	Humphreys.....	306	318	Education.....	693		
409	Humphreys.....	306	318	Rights and Privileges.....	767		
410	Cunningham .....	306	318	Roads.....	802		
411	Hubbard .....	306	318	Roads.....	508		
412	Hess .....	306	318	Organization of Courts.....	461	872	872
413	Hess .....	306	318	Corporations.....			
414	Brown of Jasper.....	307	318	Claims.....	893	1203	1203
415	Shields.....	307	422	Temperance.....	794		
416	Thayer.....	307	318	Judiciary (Select) .....	1145		
417	Thayer.....	307	318	Rights and Privileges.....	767	1391	1391
418	Fancher.....	307	318	Education (Select).....	{ 690 1320	{ 1301 1332	1332
419	Edwins .....	307	319	Rights and Privileges.....	701	1237	1237
420	Edwins (by request).....	308	319	Claims.....			
421	Connor.....	308	319	Elections.....	{ 371 387	388	389
422	Robinson.....	308	319	Roads.....	508		
423	Herod.....	308	319	Judiciary .....	1245		
424	Works .....	309	319	Organization of Courts.....	461		
425	Works .....	309	319	Benevolent Institutions.....			
426	Works .....	309	319	Judiciary .....	557		
427	Works .....	309	319	Judiciary .....	1334		
428	Huthsteiner.....	309	319	Elections.....		1196	1196
429	Huthsteiner.....	310	319	Education.....	691		
430	Huthsteiner.....	310	319	County and Township Business...	780		
431	Faulkner.....	310	319	Ways and Means.....			
432	Sleeth.....	311	319	Judiciary .....	686		
433	Sleeth.....	311	319	Rights and Privileges .....	768		
434	Skinner.....	311	319	Judiciary.....	679		
435	Perry.....	311	320	Rights and Privileges.....	768		
436	Hopkins.....	311	320	Fees and Salaries.....		1278	1278
437	Baker.....	311	422	County and Township Business...	{ 487 691		
438	Taylor of Warriek.....	312	320	County and Township Business...	780		
439	Miers.....	312	320	Judiciary .....	552		
440	Arnold of Wabash.....	312	320	Judiciary .....	679		
441	Arnold of Wabash.....	312	320	Judiciary .....	678		
442	Arnold of Wabash.....	313	320	Education.....	458	1195	1195
443	Owen.....	313	320	County and Township Business...	463		
444	Taylor of Daviess.....	313	320	Corporations.....	489	650	650
445	English.....	313	320	Insurance.....	806		
446	English.....	314	320	Statistics and Emigration.....	458		
447	Garrouette.....	320	422	County and Township Business...	486		
448	Briggs.....	321	422	Rights and Privileges.....	701		
449	English.....	321	422	Affairs of Indianapolis.....	466		
450	Fancher.....	321	422		633		
451	Brown of Steuben.....	321	422	County and Township Business...	786		
452	Saint.....	322	423	Apportionment.....	807		
452	Election Committee.....	339	423			645	645
455	Com. on Fed. Relations.....	349	422			588	588
456	Handy.....	380	422	Roads.....	510	918	918
457	Reed.....	381	428	Organization of Courts.....	559	1331	1331
458	Donnell.....	407	{ 422 428	Organization of Courts.....			
459	Reichelderfer.....	408	428	Judiciary .....			
460	Reichelderfer.....	408	428	Cities and Towns.....	505		
461	Campbell.....	408	461	Cities and Towns.....	906	1333	1333
462	Campbell.....	408	428	Sanitary Affairs.....			
463	Hart.....	409	428	Organization of Courts.....	688		
464	March.....	409	428	Rights and Privileges.....	768		
465	Carey.....	410	428	Judiciary .....	552	1295	1295
466	Carey.....	410	428	Cities and Towns.....	1389	1251	1251
467	Davidson.....	410	423	County and Township Business...	{ 484 786	901	901
468	Humphreys.....	410	429	Judiciary .....	888	{ 1236 1258	1258
469	Handy.....	410	429	Select.....	540		
				County and Township Business...	{ 507 785	1274	1274



## HOUSE BILLS—CONTINUED.

Number.	By Whom Introduced.	First Reading.	Second Reading.	To What Committee Referred.	Reported Back.	Third Reading.	Vote on Passage.
		Page.	Page.		Page.	Page.	Page.
470	Handy .....	411	429	Judiciary .....			
471	Lindley .....	411	429	Drains and Dikes .....			
472	Lindley .....	411	429	Organization of Courts .....	674		
473	Van Pelt .....	411	429	Roads .....	510	1137	1137
474	Kirkpatrick .....	412	429	Judiciary .....	686		
475	Kirkpatrick .....	412	429	Agriculture .....	487		
476	Lehman .....	412	429	Railroads .....	535	1331	1331
477	Lehman .....	412	429	Judiciary .....	888	1289	1289
478	Lehman .....	412	429	Judiciary .....	682		
479	Vawter .....	412	429	County and Township Business .....	785		
480	Overmyer .....	413	430	Roads .....	802		
481	Thayer .....	413	430	Rights and Privileges .....	769		
482	Fancher .....	413	430	Agriculture .....	487	1241	1241
483	Edwins .....	413	430	Judiciary .....			
484	Edwins .....	413	430	Education .....	689		
485	Saint .....	414	430	Ways and Means .....			
486	English .....	414	430	Apportionment .....	807	932	932 936 945 1273
487	Willard .....	414	430	County and Township Business .....	781	869	869
488	Willard .....	414	430	Agriculture .....	788	893	893
489	Robinson .....	415	430	County and Township Business .....	786		
490	Stucker .....	415	430	Judiciary .....	682		
491	Stucker .....	415	430	Education .....	690		
492	Stucker .....	416	430	Ways and Means .....			
493	Reed .....	416	430	Agriculture .....	487	614	614
494	Herod .....	416	430	Claims .....			
495	Shauck .....	416	430	Cities and Towns .....	506		
496	Osborn of Elkhart .....	416	430			585	585
497	Osborn of Elkhart .....	416	431			589	589
498	Osborn of Elkhart .....	417	431			647	648
499	Osborn of Elkhart .....	417	431	Judiciary .....	551	1356	1356
500	Works .....	417	431	Judiciary .....			
501	Allen .....	417	431	Ways and Means .....			
502	Allen .....	418	431	Cities and Towns .....	505		
503	Blockley .....	418	431	County and Township Business .....	781		
504	Stucker .....	418	431	Judiciary .....			
505	Stucker .....	418	431	Judiciary .....	681		
506	Kelly .....	418	431	Education .....	561	1285	1285
507	Kelly .....	419	431	Judiciary .....	680		
508	Kester .....	419	431	Judiciary .....	680		
509	Van Valzah .....	419	431	Corporations .....	795	1138	1138
510	Messick .....	419	431	Prisons .....			
511	Taylor of Warrick .....	420	431	Organization of Courts .....	461		
512	Tulley .....	420	431	Cities and Towns .....	506		
513	Tulley .....	420	431	Cities and Towns .....		1380	1380
514	Tulley .....	420	432	Cities and Towns .....			
515	Tulley .....	420	432	Fees and Salaries .....			
516	Willard .....	421	432	County and Township Business .....	781		
517	Watson .....	421	432	Judiciary .....	687		
518	Watson .....	421	432	Judiciary .....			
519	Watson .....	421	432	Banks .....	689		
520	Saint .....	422	432	Judiciary .....	{ 887 933	1357	1357
521	Sleeth .....	423	432	Judiciary .....			
522	Mitchell .....	423	432	County and Township Business .....	781		
523	Mitchell .....	423	432	Judiciary .....	686		
524	March .....	423	432	Judiciary .....	686		
525	Meirs .....	424	475	Fees and Salaries .....			
526	Faulkner .....	424	476	Organization of Courts .....		900	900
527	Caathorn .....	425	475	Judiciary .....		1325	1325
528	Meirs .....	425	476	Fees and Salaries .....			
529	Perry .....	425	476	County and Township Business .....	697	902	902
530	Connor .....	425	476	Agriculture .....	788	1225	1225
531	Connor .....	425	476	Agriculture .....	788		
532	Gordon .....	425	467	Education .....	514	916	917
533	Gordon .....	426	476	Judiciary .....			
534	Gordon .....	426	475	Judiciary .....			
535	Gordon .....	426	435	Sanitary Affairs .....			
536	Willard .....	427	476	Statistics and Emigration .....	806		
537	Willard .....	427	475	Organization of Courts .....	687		
538	Herod .....	432	475	Education .....	691		
539	Herod .....	432	476	Judiciary .....	673		

## HOUSE BILLS—CONTINUED.

Number.	By Whom Introduced.	First Reading.	Second Reading.	To What Committee Referred.	Reported Back.	Third Reading.	Vote on Passage.
		Page.	Page.		Page.	Page.	Page.
540	Briggs.....	433	475	Roads.....	803	1202	1202
541	Bearss.....	433	476	Judiciary.....	673		
542	Gordon.....	446	447	Judiciary.....	553		
543	Dailey.....	466	497	Elections.....			
544	Com. on Agriculture.....	488	488			1147	1147
545	Shanks.....	500	521	Ways and Means.....			
546	Golden.....	500	521				
547	Golden.....	500	521				
548	Golden.....	501	521				
549	Briggs.....	501	521	Organization of Courts.....	559	867	867
550	Stucker.....	511					
551	Carey.....	511	536	Cities and Towns.....			
552	Humphreys.....	511	537				
553	Snoddy.....	511	537				
554	Kirkpatrick.....	512	537	Roads.....	803		
555	Arnold of Grant.....	512	537	Cities and Towns.....	1325		
556	Osborn of Vermillion.....	512	537	Judiciary.....	888		
557	Rooker.....	512	537	County and Township Business.....	782	1357	1357
558	Lehman.....	512	537	Ways and Means.....			
559	Hosmer.....	513	537	Ways and Means.....			
560	Edwins.....	513	537	Rights and Privileges.....	705		
561	Saint.....	513	537	Roads.....	803		
562	Saint.....	513	537	Rights and Privileges.....	769	1284	1284
563	Saint.....	513	538	Benevolent Institutions.....			
564	English.....	514	538	Affairs of Indianapolis.....	798	1425	1425
565	English.....	514	538	Affairs of Indianapolis.....	798		
566	English.....	514	538	Cities and Towns.....	906		
567	Herod.....	515	538	Ways and Means.....			
568	Herod.....	515	538			1275	1275
569	Herod.....	515	538	Cities and Towns.....	906		1277
570	Herod.....	515	538	Cities and Towns.....	906 1262 1345 1376	1225	
571	Herod.....	515	538	Cities and Towns.....	907		
572	Gordon.....	516	538	Railroads.....	773		
573	Herod.....	516	538	Cities and Towns.....	907		
574	Herod.....	516	538	Judiciary.....			
575	Herod.....	516	538	Cities and Towns.....	906		
576	Schweitzer.....	516	538	Rights and Privileges.....	769	1359	1359
577	Major.....	516	538	Rights and Privileges.....	769		
578	Thompson.....	517	538	County and Township Business.....	782	937	937
579	Osborn of Elkhart.....	517	539	Judiciary.....	682		
580	Allen.....	518	539	Cities and Towns.....			
581	Thompson.....	518	539	Judiciary.....	682	1391	1391
582	Skinner.....	518	539	Judiciary.....			
583	Sleeth.....	518	539	Cities and Towns.....		1119	1119
584	Briggs.....	518	539	Military Affairs.....			
585	Brown of Steuben.....	519	539	Judiciary.....		868	868
586	Osborn.....	519	539	Judiciary.....	890		
587	Hess.....	519	539	Corporations.....		1276	
588	Thayer.....	519	539	Cities and Towns.....			
589	Connaway.....	519	539	County and Township Business.....	782	1224	1224
590	March.....	520	539	Judiciary.....			
591	Donnell.....	520	539	Judiciary.....		1227	1227
592	Humphreys.....	532	594	Committee of the Whole.....	595	614	614
593	Compton.....	533	659	Railroads.....	891		
594	Stucker.....	533	660	County and Township Business.....	782		
595	Stucker.....	533	660	Agriculture.....	789		
596	Stucker.....	533	660	Judiciary.....	677		
597	Kirkpatrick.....	533	660	Roads.....	803	1289	
598	Kirkpatrick.....	533	660	Rights and Privileges.....	770		
599	Confer.....	534	660	Mileage.....	795		
600	Major.....	534	660	Judiciary.....	677 1245 1304 1305		
601	Johnston.....	534	660	Select.....		1226	
602	Johnston.....	534	660	Corporations.....	795		
603	Skinner.....	534	660	Agriculture.....	952		
604	Garrouette.....	535	660	Railroads.....	804	1215	1216
605	Kester.....	535	660	Agriculture.....	787	1285	1285
606	Bearss.....	549	660	Elections.....			



## HOUSE BILLS—CONTINUED.

Number.	By Whom Introduced.	First Reading.	Second Reading.	To What Committee Referred.	Reported Back.	Third Reading.	Vote on Passage.
		Page.	Page.		Page.	Page.	Page.
607	Huthsteiner.....	549	660	Judiciary .....		1283	1283
608	Humphreys.....	569	659	Ways and Means.....	796	895	895
609	Carter.....	595	659	Judiciary .....	678		
610	Stucker.....	661	667	Organization of Courts.....			
611	Stucker.....	661	667	County and Township Business..	783		
612	March.....	661	667	Judiciary .....	887		
613	March.....	662	667	Education.....			
614	March.....	662	667	Judiciary .....			
615	Dalton.....	662	667	Ways and Means.....			
616	Taylor of Lagrange.....	662	667	Rights and Privileges .....	770		
617	Robinson.....	662	667	County and Township Business..	783		
618	Robinson.....	663	667	Rights and Privileges.....			
619	Robinson.....	663	667	Rights and Privileges.....	770		
620	Miers.....	663	884	Select.....	{ 1198 1428	1147	1200
621	Shanck.....	663	666				
622	Huthsteiner.....	663	667	County and Township Business..	783		
623	Watson.....	664	668	County and Township Business..	783	1288	1288
624	Bryant.....	664	668	Education.....		1408	
625	Briggs.....	664	668	Rights and Privileges .....		869	869
626	Briggs.....	664	668	Judiciary .....			
627	Briggs.....	664	668	Judiciary .....			
628	Osborn of Elkhart.....	664	668	Rights and Privileges .....	771		
629	Mitchell.....	664	668				
630	Owen.....	665	668	County and Township Business..	784		
631	Owen.....	665	668	Judiciary .....	887	1330	1330
632	Owen.....	665	668	Corporations .....	795		
633	Overmyer.....	670					
634	Confer.....	670	882	Judiciary .....			
635	Cunningham.....	670	882	Agriculture.....	1150		
636	Robinson.....	670	882	Elections.....	1148	1427	1427
637	Dalton.....	776	777	Ways and Means.....	1140		
638	Allen.....	776	778	Ways and Means.....		1194	{ 1194 1258
639	Judiciary Committee...	843	882				
640	Humphreys.....	875	883	Conference.....	1360	925	925
641	March.....	882	883	Judiciary .....	1304		
642	Campbell.....	882	883	Cities and Towns.....	908	1212	1212
643	Willard.....	882	883	Ways and Means.....	893	1215	1215
644	Cunningham.....	882	883	Agriculture.....	1231		
645	English.....	885	1024	Rights and Privileges .....	1149		
646	Gordon.....	889	1024	Judiciary .....	1210		
647	Osborn of Elkhart.....	1027	1146	Elections.....	1148	1298	1298
648	Willard.....	1031	1146	Ways and Means.....	1149		
649	Huthsteiner.....	1043	1146	Insurance.....			
650	March.....	1044	1146	Judiciary .....	1211		
651	March.....	1071	1146	Judiciary .....		1388	1388
652	Nave.....	1071	1146	Judiciary .....	1211		
653	Saint.....	1071	1146	Roads.....			
654	Herod.....	1071	1146	Judiciary .....	1210		
655	Herod.....	1072	1146	Judiciary .....	1210		
656	Overmyer.....	1114	1146			1206	1206
657	Taylor of Daviess.....	1137	1192	Judiciary .....	{ 1211 1245		
658	Herod.....	1147	1192	Insurance .....	1265	1296	{ 1296 1301
659	Connor.....	1148	1192	Agriculture .....	1264		
660	Lehman.....	1165	1165			1166	1166
661	Caldwell.....	1167	1167			1167	1167
662	Shutt.....	1168	1168			1168	1168
663	Hopkins.....	1169	1169			1170	1170
664	Scholl.....	1171	1171			1171	1171
665	Johnston.....	1172	1173			1173	1173
666	Reed.....	1174	1174			1174	1174
667	Allen.....	1175	1175			1175	1176
668	Overmyer.....	1191	1209			1240	1240
669	Bearss.....	1200	1209			1225	1335
670	Brown of Steuben.....	1204	1209				
671	Caldwell.....	1205	1209			1270	1270
672	Briggs.....	1211	1220			1278	1278
673	Watson.....	1211	1220	Judiciary .....	1245		
674	Allen.....	1215	1220			1405	1405
675	Drake.....	1215	1220			1236	1236
676	Works.....	1220	1230	Judiciary .....	1238	1255	1255



## HOUSE BILLS—CONTINUED.

Number.	By Whom Introduced.	First Reading.	Second Reading.	To What Committee Referred.	Reported Back.	Third Reading.	Vote on Passage.
		Page.	Page.		Page.	Page.	Page.
- 677	Stucker.....	1221	1230	Elections.....	1265		
- 678	Osborn of Elkhart.....	1221	1230	Elections.....	1268		
- 679	March.....	1221	1230	Judiciary.....	1287		
- 680	Major.....	1221	1230	Agriculture.....	1264		
- 681	Brown of Jasper.....	1221	1230	Judiciary.....	1244		
- 682	March.....	1222	1230	Temperance.....	1287 1307	1447	1448
- 683	Shanks.....	1222	1230	Judiciary.....	1236	1249	1249
- 684	Osborn of Elkhart.....	1246	1246	.....			
- 685	Meirs.....	1246	1247	.....		1247	1247
- 686	Vawter.....	1248	1248	.....		1248	1248
- 687	Humphreys.....	1254	1254	Ways and Means.....	1260	1261	1261
- 688	VanValzah.....	1263	1284	Military Affairs.....	1302		
- 689	Shutt.....	1266	1272	.....		1272	1272
- 690	English.....	1266	1288	Organization of Courts.....	1319		
- 691	Stucker.....	1267	1288	.....			
- 692	English.....	1267	1289	Rights and Privileges.....	1319		
- 693	Herod.....	1267	1288	.....		1386	1386
- 694	Hopkins.....	1267	1288	Cities and Towns.....	1389		
- 695	English.....	1268	1288	.....			
- 696	Faulkner.....	1303	1334	.....			
- 697	Briggs.....	1334	1365	Select. ....	1386	1427	1427
- 698	English.....	1355	1364	Select. ....		1407	1407
- 699	Works.....	1355	1364	Select. ....	1378	1375	1375
- 700	Watson.....	1385	1411	.....			1378
- 701	Johnston.....	1408	1412	.....		1434	
- 702	Edwius.....	1412		.....			
- 703	Herod.....	1419		.....			
- 704	Saint.....	1447		.....			
- 705	Overmyer.....	1418		.....			

## SENATE BILLS.

Number.	First Reading.	Second Reading.	To What Committee Referred.	Reported Back.	Third Reading.	Vote on Passage.
	Page.	Page.		Page.	Page.	Page.
4	211	219	.....		257	257
6	496	522	.....		593	593
9	496	522	Rights and Privileges.....	771	1016	1016
12	496	522	Judiciary.....	834	1409	1409
16	496	522	Judiciary.....	835	1412	1412
17	878	883	Drains and Dikes.....	952	1017	1017
18	657	666	Corporations.....	795	1319	1320
21	965	1031	Organization of Courts.....	1151	1302	1302
22	496	522	Cities and Towns.....	892	1019	1019
23	496	522	Cities and Towns.....	990	1003	{ 1003
27	656	666	Prisons.....	846	929	930
30	291	383	Judiciary.....	551	476	477
32	120	149	Judiciary.....	195	219	219
37	657	666	County and Township Business.....	785	1388	1388
39	878	884	Railroads.....	891	1003	1004
43	657	666	Rights and Privileges.....	772	1002	1002
47	657	666	Drains and Dikes.....	806	1414	.....
50	212	219	Judiciary.....	834	.....	.....
51	94	121	Organization of Courts.....	194	258	258
53	.....	1230	.....	.....	.....	.....
55	965	1031	Cities and Towns.....	1149	1415	1415
56	881	884	Judiciary.....	975	1381	1381
57	880	884	County and Township Business.....	988	1336	1336
58	288	383	Prisons.....	536	579	579
59	1163	1193	Cities and Towns.....	1389	1405	1405
60	497	.....	{ Judiciary.....	{ 546	.....	.....
61	881	{ 521	{ Organization of Courts.....	{ 844	.....	.....
62	1163	{ 884	{ Judiciary.....	892	.....	.....
65	655	666	Organization of Courts.....	.....	.....	.....
69	879	883	Corporations.....	1319	.....	.....
71	288	383	Judiciary.....	829	911	911
79	1164	1193	Benevolent Institutions.....	898	931	931
80	.....	522	Judiciary.....	977	1413	1413
83	1165	1193	Ways and Means.....	1231	1415	.....
91	1433	1444	Cities and Towns.....	798	968	969
101	288	383	Organization of Courts.....	.....	.....	.....
103	880	883	.....	.....	1444	.....
115	.....	.....	Cities and Towns.....	507	577	577
118	659	665	{ Cities and Towns.....	{ 908	.....	.....
119	657	666	{ Conference.....	{ 1309	1269	1269
122	880	883	.....	.....	1193	1194
125	.....	383	.....	.....	1335	1335
131	.....	592	Organization of Courts.....	978	.....	.....
135	289	.....	Roads.....	1150	1295	1295
136	497	.....	Judiciary.....	{ 551	578	.....
138	288	283	.....	{ 1011	.....	.....
140	656	665	.....	{ 905	.....	.....
147	1435	1443	.....	{ 1192	.....	.....
158	497	522	Rights and Privileges.....	771	1015	1015
169	881	884	County and Township Business.....	784	.....	.....
171	.....	1230	Cities and Towns.....	799	997	997
175	880	884	.....	.....	1443	1443
176	881	884	{ Judiciary.....	{ 844	.....	.....
180	657	665	{ Conference.....	{ 1314	1012	1012
184	654	666	County and Township Business.....	.....	.....	.....
187	655	666	Judiciary.....	1245	.....	.....
192	289	383	Education.....	.....	.....	.....
194	875	884	.....	.....	1201	1201
195	1330	1334	Judiciary.....	772	1117	1117
196	876	884	Rights and Privileges.....	771	900	901
197	879	884	County and Township Business.....	784	1017	1018
			Judiciary.....	551	.....	.....
			Judiciary.....	978	1139	1139
			Judiciary.....	1367	1381	1381
			Roads.....	991	.....	.....
			Education.....	1150	1358	1358

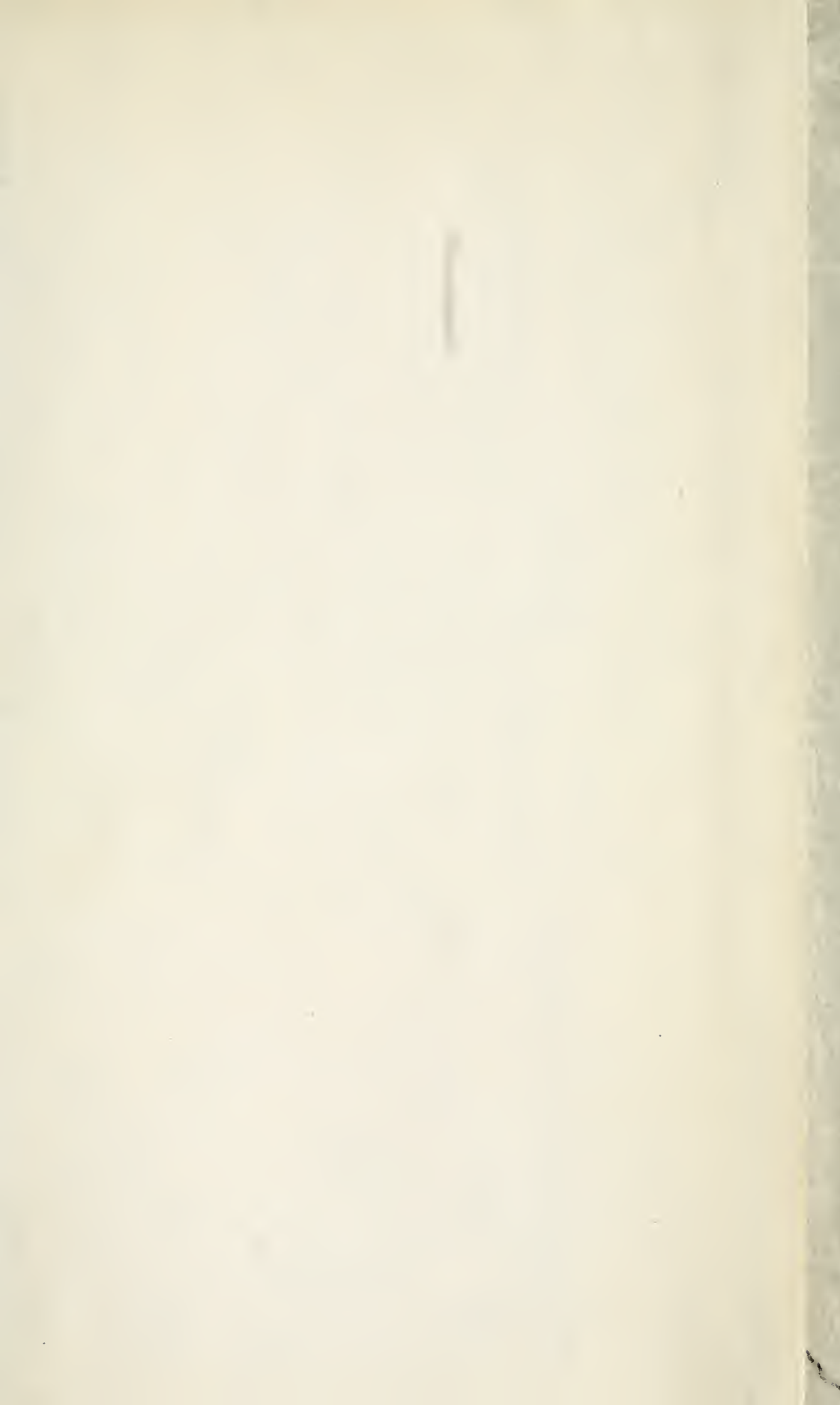
## SENATE BILLS—CONTINUED.

Number.	First Reading.	Second Reading.	To What Committee Referred.	Reported Back.	Third Reading.	Vote on Passage.
	Page.	Page.		Page.	Page.	Page.
198	878	884	Railroads .....	907		
203			.....		1282	{ 1282 1293
207	879	883	{ Organization of Courts.....	995	{ 972 995	996
209	656	666	{ Select.....	671	871	871
214			Judiciary.....			1370
216	659	666	Judiciary.....	831	1253	1253
230		522	Education.....			
236		522	Rights and Privileges.....			
253	1250	1250	Special .....	1251	1251	{ 1251 1252
254	655	666	Organization of Courts.....	844		
258	881	884	.....		1143	1143
261	1436	1445	.....		1445	
267	881	884	Organization of Courts.....	892	1401	1401
268	521	536	Organization of Courts.....	539	578	578
270	876	884	Affairs of Indianapolis.....	897		
271	881	884	{ Cities and Towns.....	{ 908 1318	{ 1274 1400	.....
			{ Select.....	{ 481 933 948		601
277	474	474	Judiciary.....	922		601
280	497		Judiciary.....		1134	1134
284			.....		1144	1144
203	498	522	Agriculture.....	788	1255	1256
308	876	883	{ County and Township Business.....		{ 1237 1239	1239
313	965	1031	{ Ways and Means .....	988		
325	876	883	Judiciary.....	1210	1274	1275
328			Corporations.....	989	1197	1197
331	658	666	.....		938	938
338	659	666	County and Township Business.....	784	1402	1402
347	882	884	Rights and Privileges.....	772	1256	1256
353	659	666	Corporations.....	933	1018	1018
365	659	666	Judiciary.....	834		1411
			Drains and Dikes.....	809	1011	1011
374	961	1031	Cities and Towns .....	{ 1209 1279	1213	1213
379	521	536	Cities and Towns .....	800	879	879
389	876		.....			
381		884	Judiciary.....	1011	{ 1204 1390	1390
382	658	666	Railroads .....	891		
392	964	1031	Organization of Courts.....	1149	1252	1252
399	863	883	Judiciary.....	952	953	957
426		1230	Rights and Privileges.....	1239	1271	1271
427		1365	.....		1416	1416
429	1291		.....		1414	1414
432		1220	.....		1406	1406
412	885	962	.....		1001	1061
444	1163	1177	.....		1177	1177
445	1164	1178	.....		1178	1178
446	1164	1179	.....		1179	1179
447	1171	1180	.....		1180	1180
448	1164	1181	.....		1181	1182
449	1164	1183	.....		1183	1183
450	1164	1184	.....		1184	1184
451	1164	1185	.....		1185	1185
452	1164	1187	.....		1187	1187
453		1188	Judiciary.....		1188	1188
454	1172	1189	.....		1189	1189
458	1374	1374	.....		1374	1374
471			.....		1293	1293











NOT TO BE CIRCULATED

NATIONAL  
LIBRARY BINDERY  
COMPANY  
OF INDIANA, INC.

946 SOUTH  
MERIDIAN STREET  
INDIANAPOLIS

